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(Class of 1814).
LATE PRESIDENT OF
HARVARD COLLEGE.

Received 22 March,
1875.



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A HISTORY

OF

ENGLAND

FROM THE FIRST

INVASION BY THE ROMANS.

BY

JOHN LINGARD, D.D.

VOLUME XII.

SECOND EDITION.

LONDON: PRINTED FOR BALDWIN AND CRADOCK;
AND
B. FELLOWES, SUCCESSOR TO MR. MAWMAN,
LUDGATE-HILL.

MDCCCXXIX.

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C. Baldwin, Printer,
New Bridge-street, London.

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CONTENTS

OF

THE TWELFTH VOLUME.

CHAP. I.

CHARLES II.

THE NEW COUNCIL—PROCEEDINGS IN THE CONVENTION PARLIAMENT—TRIALS AND EXECUTION OF THE REGICIDES—ECCLESIASTICAL ARRANGEMENTS—CONFERENCE AT THE SAVOY—RISING OF THE FIFTH-MONARCHY MEN—NEW PARLIAMENT—EXECUTION OF VANE—CORPORATION ACT—ACT OF UNIFORMITY—PARLIAMENT IN SCOTLAND—EXECUTION OF ARGYLE—RESTORATION OF EPISCOPACY IN SCOTLAND—ALSO IN IRELAND—ACT OF SETTLEMENT—AND EXPLANATORY ACT FOR IRELAND.

	PAGE
Conduct of the king	3
His council	3
The two houses	5
Confirmation of parliament	6
Grants to the crown	7
Court of wards abolished	8
The excise perpetuated	9
Disbanding of the army	10
Bill of indemnity	12
Fate of the regicides	14
Executions	16
Punishment of the dead	18
Revolution in landed property	20
Ecclesiastical arrangement	22
Royal declaration	23
Policy of the chancellor	27
Insurrections	28
New parliament	30
Acts passed	31
King's poverty	32
Reports of conspiracies	33
King refuses the execution of the other conspirators	34
Trials of Lambert and Vane	35
Corporation act	39
Conferences at the Savoy	41
Act of uniformity	42
The lords more liberal than the commons	44
Bishops restored to seats in parliament	45
Petition of the catholics	46
Transactions in Scotland	49
Proceedings in parliament	51
Rescissory act	53
Trial of Argyle	54
His condemnation and death	57

Digitized by Google

	PAGE
Other executions	58
Restoration of bishops	59
Recal of the English garrisons	62
Transactions in Ireland	63
Restoration of bishops	64
Disputes respecting landed property	65
King's declaration	66
The contending parties heard before the council	68
Decisions of the court of claims	69
Intrigues of the occupiers	70
Final settlement	72
Its consequences	74

CHAP. II.

MARRIAGE OF THE DUKE OF YORK—OF THE KING—SALE OF DUNKIRK—INDULGENCE TO TENDER CONSCIENCES—ACT AGAINST CONVENTICLES—WAR WITH THE UNITED PROVINCES—GREAT NAVAL VICTORY—THE PLAGUE IN LONDON—FIVE MILE ACT—OBSTINATE ACTIONS AT SEA—GREAT FIRE OF LONDON—PROCEEDINGS IN PARLIAMENT—INSURRECTION IN SCOTLAND—SECRET TREATY WITH FRANCE—CONFERENCES OPENED AT BREDA—THE DUTCH FLEET IN THE THAMES—PEACE OF BREDA—FALL OF CLARENDON.

	PAGE
National immorality	76
James's private marriage	78
Disapproved by the royal family	79
Publicly acknowledged	81
Marriage of the princess Henrietta	82
Portuguese match proposed to Charles	82
Opposition of the Spanish ambassador	85
The French king advises it	86
Resolved in council	87
Rencontre between the two ambassadors	88
Arrival of the princess	90
King's behaviour to her	91
Sale of Dunkirk	95
Disputes respecting toleration	98
Declaration of indulgence	100
Disapproved by both houses	104
Conventicle act	108
Complaints against the Dutch	111
Contrast between the king and his brother	112
Address of the two houses	114
Hostilities commenced against the Dutch	116
Supply voted	118
New method of taxation	119
Loss of privilege by the clergy	120
Naval regulations	121
Victory of the third of June	123
The plague in London	125
Regulations to suppress it	127
Symptoms of the disease	129
Terrors of the people	130
Desolation of the city	131
The pestilence abates	132
Failure of the attempt at Bergen	134
Captures by sea	136
Parliament at Oxford	137

Digitized by Google

	PAGE
Five-mile act	139
Louis unites with the Dutch	141
Treaties	143
The four days' battle	144
Intrigues of Louis	147
Operations by sea	148
Fire of London	149
Exertions of the king	152
End of the conflagration	153
Its extent	153
Its cause	154
Proceedings in parliament	156
Debate on Irish cattle	157
——— auditing public accounts	159
Insurrection in Scotland	160
Difficulty of fitting out the fleet	162
Secret treaty with Louis	165
Dutch fleet in the river	167
Dutch fleet advances to Upnor	169
Public discontent	170
Treaty of peace	171
Clarendon's unpopularity	172
——— impeached by Bristol	175
——— abandoned by the king	176
——— deprived of the seal	179
——— impeached by the commons	180
——— protected by the lords	181
——— ordered to quit the kingdom by Charles	182
——— banished by act of parliament	183

CHAP. III.

THE TRIPLE ALLIANCE—SECRET NEGOTIATION WITH FRANCE—CONVERSION OF THE DUKE OF YORK—INTRIGUES TO ALTER THE SUCCESSION—DIVORCE OF LORD ROOS—VISIT OF THE DUCHESS OF ORLEANS—SECRET TREATY WITH FRANCE—DEATH OF THE DUCHESS—SECOND SECRET TREATY—MISCELLANEOUS EVENTS—CHARACTER OF THE CABAL—STOPPAGE OF PAYMENTS FROM THE EXCHEQUER—DECLARATION OF INDULGENCE—OF WAR AGAINST THE STATES—VICTORY AT SOUTHWOLD BAY—FRENCH CONQUESTS BY LAND—PROCEEDINGS IN PARLIAMENT—THE INDULGENCE RECALLED—THE TEST ACT PASSED.

	PAGE
The new ministry	186
Triple alliance	187
Temple sent to the Hague	188
Treaty of Aix-la-Chapelle	191
Proceedings in parliament	192
Dispute between the houses	194
Licentiousness at court	196
Buckingham's intrigues	198
Financial measure	199
Secret negotiation with France	200
Duke of York becomes a catholic	201
Secret consultation	202
Progress of the negotiation	204
Meeting of parliament	206
New conventicle act	207
Sufferings of the non-conformists	208
Intrigues to alter the succession	210
In favour of Monmouth	210

Digitized by Google

	PAGE
By a divorce	211
A supply voted	214
Visit of the duchess of Orleans	215
Contents of the secret treaty	216
Death of the duchess	218
Second treaty	219
Charles's evasions	220
Meeting of parliament	221
Assault on Coventry	222
Proceedings against the Catholics	223
Dispute between the houses	224
Death of the queen dowager	225
——— duke of Albemarle	226
Narrow escape of Ormond	227
Attempt to steal the crown	228
Death of the duchess of York	230
The cabal	232
Arlington	233
Clifford	234
Buckingham	234
Lauderdale	235
Ashley	236
Their religion	237
They shut up the exchequer	238
Fail in an attack on the Dutch fleet	240
Grant indulgence to dissenters	243
Which is accepted by them	244
Declaration of war	246
Naval affairs	248
Battle of Southwold Bay	248
Conduct of the duke of York	249
Death of the earl of Sandwich	250
Victory of the English	251
They pursue the Dutch	252
Conquest by the French	252
Proceedings in England	256
Clifford made treasurer	258
Elections during the prorogation	258
Opening of parliament	259
New elections cancelled	260
The supply voted	261
Address against the declaration of indulgence	262
The king appeals to the lords	264
He cancels the declaration	265
Test act introduced	266
——— passed	269
Dissenters' relief bill	271
Remarks	272

CHAP. IV.

NAVAL ACTIONS—DISGRACE OF SHAFTESBURY—ADDRESSES AGAINST LAUDERDALE AND BUCKINGHAM—IMPEACHMENT OF ARLINGTON—CONCLUSION OF PEACE—DESIGN OF EXCLUDING THE DUKE OF YORK—REPEATED PROROGATIONS OF PARLIAMENT—INTRIGUES OF MONMOUTH—OF ARLINGTON—PROCEEDINGS OF THE POPULAR PARTY—NON-RESISTING TEST OF DANBY—DISPUTE RESPECTING APPEALS—ANOTHER SESSION—REVIVAL OF THE DISPUTE—MOTION FOR DISSOLUTION OF PARLIAMENT—PROCEEDINGS IN SCOTLAND—AND IRELAND.

	PAGE
Campaigns by land	275
Resignations	276
Actions at sea	278
Congress at Cologne	279
Meeting and prorogation of parliament	280
Disgrace of Shaftesbury	282
Marriage of the duke of York	284

Digitized by Google

	PAGE
Twelfth session of parliament	285
Removal of ministers	287
Proceedings against Lauderdale	289
——— Buckingham	289
——— Arlington	291
Orders of the house of lords	292
Proposals of peace from the States	293
Treaty	295
Designs against the duke of York	296
Projects of that prince	298
Prorogation of parliament	299
The duke of Monmouth	300
Intrigues of the prince of Orange	302
——— Shaftesbury	303
——— Arlington	304
Plans of the opposition	307
——— ministry	309
Remonstrance of the duke of York	311
Opening of the session	311
Proceedings in the house of commons	312
Non-resisting test in the house of lords	316
Debate on the declaration	318
——— on the oath	319
Objections	321
The test as amended in the committee	323
Dispute respecting appeals	324
Prorogation	326
Another session	327
Renewal of the contest between the houses	329
Account of Luzancy	332
Transactions in Scotland	335
Attempt on the life of Sharp	336
Indulgence to ejected ministers	337
Proceedings in parliament	339
Act against field conventicles	341
Attempt at "comprehension"	342
The second indulgence	343
Opposition in parliament	345
Increase of conventicles	347
Ireland	348
Recal of Ormond	348
Claims of the natives	350
Commission of review	350
Commission dissolved	351
NOTES	353

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ERRATA.

VOL. III.

Page 41, note, for *Chester*, read, *Chichester:* for *Oxford*, read, *Exeter*..

Page 95, for *cathedral*, read, *abbey church* of Glocester.

VI.

Page 93, near the bottom, after *Surrey*, add *son of the Duke of Norfolk.*

Page 94, in the margin, for *May* 18, read *Sep.* 23.

VIII.

Page 519, note 5, dele, *vers le soir.*

—— 520, for *huguenot writers*, read, *national writers.*

IX.

Page 91, for 300,000, read 30,000.

X.

Page 453, for *Duke of York*, read, *Glocester.*

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HISTORY

OF

ENGLAND.

CHAP. I.

CHARLES II.

THE NEW COUNCIL—PROCEEDINGS IN THE CONVENTION PARLIAMENT—TRIALS AND EXECUTION OF THE REGICIDES—ECCLESIASTICAL ARRANGEMENTS—CONFERENCE AT THE SAVOY—RISING OF THE FIFTH-MONARCHY MEN—NEW PARLIAMENT—EXECUTION OF VANE—CORPORATION ACT—ACT OF UNIFORMITY—PARLIAMENT IN SCOTLAND—EXECUTION OF ARGYLE—RESTORATION OF EPISCOPACY IN SCOTLAND—ALSO IN IRELAND—ACT OF SETTLEMENT—AND EXPLANATORY ACT FOR IRELAND.

CHAP. I. 1660.

NEVER, perhaps, did any event in the history of this nation produce such general and exuberant joy as the return of Charles to take possession of the throne of his fathers. To the abolition of monarchy men attributed all the evils which they had suffered: from its restoration they predicted the revival of peace and prosperity. The known enemies of the royal cause slunk away to hide themselves from the effects of popular excitation:

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CHAP. I. 1660.

its triumph was everywhere celebrated with the usual manifestations of public joy; and the arms of the commonwealth, with all the emblems of republicanism, were subjected to the foulest indignities and reduced to ashes. To keep alive the flame of loyalty, the royalists circulated in cheap publications most flattering portraits of the new king. He was described as a prince of kindly disposition and engaging manners; of sound judgment and becoming spirit; and, above all, of the most inflexible attachment to the doctrines of protestantism, an attachment which had stood the test of temptation in circumstances the most trying and seductive. That there was some truth in these representations cannot be denied; but one half of the picture was concealed: it should have been added, that he was easy and indolent, the votary of dissipation and pleasure, and always ready to postpone the calls of business for the attraction of the ball-room, or the company of his mistresses. His advisers had persuaded themselves that the follies of the youth would be redeemed by the virtues of the man. But he had now reached his thirtieth year without amendment. He had, indeed, made promises; had more than once torn himself from the unworthy connexions to which he was enslaved; and had on emergencies displayed an energy deserving of that splendid prize to which he aspired. But these were transient efforts: he quickly relapsed into his former habits, and resumed with new relish the pursuit of enjoyment.

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CHAP. I. 1660.

Conduct of the king.

Charles, however, on his arrival, did not suffer himself to be dazzled by the splendid prospect around him. He was aware that his throne still rested on a very insecure foundation; he saw the dangers which he had to avert, and the difficulties which he had to overcome; and he formed a strong and, as he fancied, unalterable resolution, to devote his chief attention to the business of government, and to suffer no pleasure, no amour, to seduce him from the duties of his high office. His ministers congratulated each other on the change wrought in the habits of their sovereign. But he soon began to feel uneasy under the restraint; he was so beset with difficulties from the never-ceasing claims of the old royalists and of his more recent adherents; he found himself so perplexed by the increasing multitude of affairs submitted to his consideration, that he gradually emancipated himself from the trammels, and sought relaxation in the company of the gay, the witty, and the dissolute. The consequence was, that he not only neglected his duties, but often suffered his mind to be prejudiced against the advice of his council by the sallies and sarcasms of his profligate companions [1].

His council.

To an observant eye that council presented a singular assemblage of men, devoted to different

[1] Continuation of Clarendon's Life written by himself, 21, 49, 167. Oxford, 1759. In the subsequent pages I shall refer to this work under the name of Clarendon alone. Pepys, Diary, 37. 8vo.

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CHAP. I. 1660.

parties, and professing opposite principles. In the first place, were seen the royal brothers, James and Henry, who owed the distinction to their birth, with Hyde the chancellor, Ormond the lord-steward, lord Culpepper master of the rolls, and secretary Nicholas, the four counsellors who had possessed the confidence of the king during his exile. Then came the lord-general, who by his recent conduct had indissolubly bound up his own lot with the fortunes of the house of Stuart, Morris the friend and confidant of the general, and two or three others, whose chief merit was the recommendation of Monk, grounded on the promises which he had made during the late revolution. With these two classes Charles was advised to associate all the surviving counsellors of his late father before the war; a measure which, with a few who had faithfully adhered to the royal interests, introduced several who had maintained the cause of the parliament against that of the crown. It is evident that, on a council thus constituted, the king would look partly with distrust, partly with aversion. A remedy was discovered by the ingenuity of the chancellor, at whose suggestion the council appointed a committee of foreign affairs, consisting of himself, Ormond, Southampton, the lord treasurer, Monk, Nicholas, and Morris. These met for the purpose of considering the relations of the English with the other crowns of Europe; but they employed the opportunity of meeting to

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debate and decide, without the knowledge of their colleagues, every question concerning the internal administration of the kingdom. The same subjects were, indeed, afterwards submitted to the consideration of the whole council; but Charles had already adopted the opinion of the secret cabinet; and the dissenters were either silenced by the reasoning of the favourite ministers, or overawed by the presence and authority of the sovereign [2].

The two houses.

With respect to the two houses, the king had only to speak and his wishes were gratified. As they had recalled him without conditions, so they appeared willing to lay the liberties of the nation at his feet. The cavaliers identified their own triumph with the exaltation of the throne; the presbyterians stood before it as repentant sinners anxious to efface the remembrance of their past delinquency; and the few who were sincerely attached to republican principles deemed it prudent to shelter themselves from notice amidst the crowd, and to echo the more courtly opinions of their colleagues. Fortunately the royal advisers were not disposed, or perhaps afraid, to take the utmost advantage of the general enthusiasm; and, on some occasions, Charles himself condescended to read to the two houses lessons of moderation and prudence [3]. The most important of their

[2] Clarendon, 2, 27.

[3] Clarendon, 8, 9. Burnet, Hist. of his Own Times, i. 270. Oxford, 1823.

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CHAP. I. 1660.

proceedings may conveniently be classed under the following heads.

Confirmation of parliament.

1°. The objection which had been raised before their convocation was renewed after the return of the king. They had not been called by the royal writ; they were therefore illegal assemblies, and their acts might hereafter be disputed in the courts of law. The obvious remedy was to dissolve them, and to summon a parliament after the usual manner, which might legalize by its authority the irregular proceedings of the convention. But this, to the king's advisers, appeared in the existing circumstances a dangerous experiment: they were not disposed to part with a house of commons so obsequious to their wishes; and they preferred to pass an act, declaring that the parliament summoned in the 16th Charles I. was determined, and that the two houses then sitting at Westminster constituted the two houses of parliament. It might, indeed, be asked, whence an assembly, illegal in its origin, could derive the power of giving to itself a legal existence; but it was hoped that, as long as the convention sate, no man would venture to moot the question; and on its dissolution every defect might be supplied by the authority of the succeeding parliament[4].

[4] St. 12. Car. ii. c. 1. The question, however, was brought forward by Drake, a royalist, under the name of Philips, in a tract called, "The Long Parliament Revived". He founded his opinion chiefly on the act of 17th of Charles I., which provided

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Grants to the crown.

2°. The experience of former years had shown that, to restrain within due limits the pretensions of the crown, it was necessary to keep it dependent on the bounty of the subject; but the houses seemed to have adopted the contrary doctrine: they attributed the calamities which for so many years had afflicted the nation to the scanty provision made for the support of royalty; they found, on inquiry, that the annual expenditure of the last king greatly exceeded his income; and, to prevent the recurrence of the wants which he experienced, and of the illegal expedients to which he had recourse, they raised the yearly revenue of the crown to the unprecedented amount of 1,200,000*l.*

that the parliament should not be dissolved but by an express act of parliament, and that every thing otherwise done, or to be done, for the dissolving of it, should be of none effect. Hence it followed that the parliament could never be dissolved but by its own act; and that the arguments of Prynne, which have been already noticed, were of no force; because, though true of an ordinary parliament, they did not apply to one secured from dissolution in this extraordinary manner. Drake was impeached by the commons; but the lords had the prudence to remit the case to the attorney-general to be proceeded with in the ordinary courts of law. See Parl. Hist. vi. 145, 147; and App. i. The court wisely allowed the prosecution to be dropped. If the act of 17th of Charles were construed strictly according to the letter, the long parliament could never be dissolved by any other parliament, because no other meeting before its dissolution could be a legal parliament. It was, therefore, maintained that, by the separation of the houses from the king, and the secession or exclusion of so many members, it had fallen to pieces of itself. It had died a natural death. See the tract, "The Long Parliament is not Revived". Ibid. xviii.

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CHAP. I. 1660.

3°. But while they provided for the sovereign, they were not unmindful of their own interests. In the preceding reigns, the proprietors of lands had frequently and zealously sought to abolish tenures by knights' service, confessedly the most onerous of the existing feudal burthens; but their attempts were constantly defeated by the monarch and his courtiers, unwilling to resign the benefits of marriages, reliefs, and wardships. Now, however, in this season of reconciliation and mutual concession, the proposal was made and accepted; the terms were arranged to the satisfaction of both parties; and Charles consented to accept a fixed annual income of 100,000*l.* in place of the casual but lucrative profits of the court of wards. Still the transaction did little honour to the liberality of the two houses. They refused to extend the benefit to inferior tenures: and the very act which relieved the lords of manors from the services which they owed to the crown, confirmed to them the services which they claimed from those who held by tenure of copyhold. Neither did they choose to pay the price of the benefit, though it was to be enjoyed exclusively by themselves. Originally, the authors of the measure intended to raise the compensation by a tax on the lands which had been relieved: the amount had actually been apportioned to the several counties by the committee, when a member, as it were accidentally, asked why they should not resort to the excise; the suggestion was eagerly caught by the

Court of wards abolished.

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courtiers and many of the proprietors; the injustice of compelling the poor to pay for the relief of the rich, though strongly urged, was contemptuously overlooked; and the friends of the motion, on a division in a full house, obtained a majority of two. In lieu, therefore, of purveyance, military tenures, and their various incidents, fruits and dependences, the produce of one moiety of the excise, a constantly growing and more profitable branch of revenue than the original compensation, was settled on the crown for ever[5]. CHAP. I. 1660. Nov. 21.

4°. The excise, as the reader will recollect, had been introduced by the parliament to defray the charges of the war against the king. To reconcile the nation to so odious a tax, it was first voted for only a short period; and, though it had been continued ever since by successive grants, an understanding always existed, that, as nothing but necessity could justify the imposition, so it should most certainly cease with that necessity. By the last enactment, one half of it was now rendered perpetual; nor was the house slow to dispose of the other. It had taken no measures to raise the revenue to the amount which it had voted: the festival of Christmas approached; the king admonished the members of his intention to dissolve the parliament; and the houses hastily passed three bills to improve the receipts on wine licences, to regulate the post office, and to grant The excise perpetuated.

[5] 12 Car. ii. c. 24. C. Journ. May 25; Nov. 8, 19, 21; Dec. 15, 21. Parl. Hist. vi. 146.

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CHAP. I. 1660.

to the king the second moiety of the excise for his natural life, in full of the yearly settlement of 1,200,000*l.*[6] From that moment, all hope of its extinction vanished; and, in the course of a few reigns, the streamlet has swelled into a mighty river. The excise then produced 300,000*l.*; it now produces 18,000,000*l.* per annum.

Dec. 21.

Disbanding of the army.

5°. The existence of the revolutionary army (it amounted, in the three kingdoms to more than sixty thousand men) was to the monarch and his ministers a subject of constant anxiety. It had, indeed, contributed to place him on the throne; but it might, with the same ease, precipitate him from it. Monk could no longer answer for its fidelity. When the first ebullitions of loyalty had subsided, many, both officers and privates, began to feel surprise that they had lent themselves to a revolution which must put an end to their accustomed licence and long-established importance. The royalists, to whom the lord-general had given commissions, possessed not the confidence of the men; the followers of Lambert

[6] C. Journ. Nov. 27; Dec. 21. In the debate on the post office bill, an amendment was proposed to exempt from the charge of postage all letters to and from members of the house of commons, "sitting the parliament", on the ground that they had as good a right to that indulgence as the privy counsellors by whom it was enjoyed. Though the amendment was stigmatized as beneath the dignity of the house, and fit only for mendicants, though the speaker declared that he was ashamed to put the question, it was carried. The lords, however, rejected it, and the commons acquiesced. Journ. of Com. Dec. 17. Parl. Hist. 163.

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in his late unfortunate attempt insinuating themselves into the quarters of the military, called on them to reassert the good old cause; and unauthorised meetings were held; the death of Monk was planned, and measures were taken to form a general combination among the different corps. In opposition to these attempts, Charles endeavoured to win the affections of the soldiery by the flattering manner in which he spoke of their discipline and loyalty, and the earnestness with which he recommended their services to the gratitude of his parliament; while his ministers, with the aid of a numerous corps of spies, sought out the sowers of sedition, and under various and feigned pretences, secured their persons. In both houses, members were instructed to represent the uselessness of so numerous a force in a time of profound peace, the expense which it had already entailed, and the annual amount which it would continue to entail, on the nation. No opposition was offered to the motions with which they concluded. By successive grants, provision was made to liquidate all arrears: regiment after regiment was disbanded; and the measure was conducted with such attention to the wants and feelings of the men, that it was accomplished without exciting mutiny or public expressions of discontent[7].

[7] St. 12, Car. ii. c. 9, 15, 16, 21. Clarendon, 10, 11. Burnet, i. 274.

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CHAP. I. 1660.

Bill of indemnity.

6°. The proceedings on this subject were tediously protracted by the controversy between the two houses on the bill of indemnity. In his declaration from Breda, Charles had promised a general pardon, subject to such exceptions as might be suggested by the wisdom of parliament. The moment the question was brought forward, a wonderful diversity of opinions was observed. Every member had some friend whom he wished to shield from punishment, or some enemy whom he sought to involve in it: considerations of interest or relationship, of friendship or revenge, weighed more than the respective merits of the parties; and distinctions were made and resolutions passed, for which it was difficult to account on any rational grounds. At last, the bill was transmitted from the commons to the lords, who, as their sufferings had in general been more severe, betrayed a more vengeful spirit. The chief points in discussion between the houses were, that the lords sought to include, in one sweeping clause of condemnation, all persons who ever sate in judgment on any royalist in a high court of justice; and that they refused all hope of mercy to nineteen of the king's judges who had surrendered themselves in consequence of a royal proclamation. By a clause in that instrument, the disobedient were threatened with exception from pardon both as to life and property: whence the commons inferred that the obedient had reason to expect such exception in their favour; while the

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lords contended that they had only a right to trial before a court of justice, whereas those who disobeyed might be condemned for contumacy. Charles, by repeated messages, advised moderation and clemency. It was evident that the commons had adopted the more rational explanation: the lords at last relented; the other house met them by receding from some of its pretensions; and the act, after a long contest, received the royal assent. It declared in the first place, that all injuries and offences against the crown or individuals, arising out of quarrels between political parties since the 1st of June, 1637, should be and were forgiven: then came the exceptions: 1°, of fifty-one individuals actually concerned in the death of the king's father; 2°, of Vane and Lambert; 3°, of Lord Monson, Hazlerig, and five others, as far as regarded liberty and property; 4°, of all judges in any high court of justice; and of Hutchinson, Lenthall, St. John, and sixteen others by name, as to eligibility to hold office, civil, military, or ecclesiastical. With respect to the case of the nineteen regicides who had voluntarily surrendered, it was yielded to the lords that they should be tried for their lives; and, in return, it was conceded to the commons, that they should not be executed without a subsequent act of parliament to be passed expressly for that purpose[8].

[8] Journals of both Houses. St. 12, Car. ii. c. 11. Clarendon, 69.

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CHAP. I. 1660.

By most men, this general pardon was hailed as a national blessing, calculated to heal dissension and restore tranquillity; by the great body of the cavaliers, it was received with murmurs and complaints. It disappointed their fondest hopes: they saw themselves left by it the victims of their loyalty, without redress for the injuries which they had received, or relief from the poverty to which they had been reduced; while, in numerous instances, their more fortunate neighbours of the republican party continued to revel in the undisturbed enjoyment of their new-gotten wealth, the fruit and reward of rebellion and injustice. With truth, they exclaimed, may it be called an act of oblivion and indemnity; but of oblivion of loyalty, and indemnity for treason.

Fate of the regicides.

7°. Their discontent received some alleviation from the tragedy which followed. For years it had been sedulously impresssed on the mind of Charles, that, as a son, he could never pardon the murder of his father; as a sovereign, he ought not to connive at the public execution of a king. To punish the regicides, was, in his opinion, a sacred and indispensable duty; and the exceptions established by the late act afforded him ample scope for the exercise of justice, or the gratification of revenge. Five-and-twenty out of the original number had indeed been already removed by death beyond the reach of any earthly tribunal, and nineteen had crossed the sea to escape the fate which awaited them in their

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native country[9]. Still twenty-nine remained, all in custody, and several of them as deeply tinged with the blood of the late king, and as criminal in the eyes of the royal party, as the most obnoxious of their fellows. The fugitives were attainted by act of parliament; the prisoners were arraigned before a court of thirty-four commissioners. CHAP. I. 1660.

There was much in the composition of this court to interest the curiosity of the spectators, and to agitate the feelings of the unhappy men at the bar. That cavaliers should sit in judgment on those who had brought the king to the block, might have been expected; but by the side of the chancellor, and Southampton, and Nicholas, were seated Manchester and Robartes, two of the parliamentary commanders, Say and Hollis, the parliamentary leaders, Atkins and Tyrrel, parlia-

[9] Three of these, Whaley, Goff, and Dixwell, secreted themselves in New England, where they passed their lives in the constant fear of being discovered by the officers of government. There is an interesting account of their adventures in Hutchinson's History of Massachuset's Bay, and in the history of these "Most Illustrious and Heroic Defenders of Liberty," published by Ezra Styles, S.T.D. LL.D. President of Yale College, Hartford, U. S. 1794. Three others, Corbet, Okey, and Berkstead, were apprehended in Holland, at the instance of Downing, and given up by the States, as an atonement for their former treatment of the king during his exile. They suffered under the act of attainder, on the 19th of April, 1662. Ludlow, iii. 82. State Trials, v. 1301—35. Pepys, i. 252, 8. Others sought refuge in Switzerland, where they believed themselves to be in constant danger of assassination from emissaries hired by the English court. Ludlow, iii. 113—134.

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CHAP. I. 1660.

mentary judges, Monk and Montague, two of Cromwell's lords, and Cooper, one of his most trusty advisers. These men, if they had not actually dipped their hands in the king's blood, had been deeply engaged in the transactions which led to his death, or had powerfully supported the several revolutionary governments, which excluded his son and successor from the throne. For such offences they might, in other circumstances, have had to plead for their lives; but they had made professions of repentance, and had been selected to discharge this ungracious task, that they might display both the extent of the royal clemency, and the sincerity of their own conversion.

Most of the prisoners sought to deserve mercy by the ingenuous and sorrowful acknowledgment of their crime: the others alleged in their justification, that they bore no personal malice to the royal victim; that they looked on his death as a solemn act of national justice, and that they proceeded under the sanction of that authority which then exercised the supreme power in the nation. To the second of these pleas the court refused to listen: to the first it was replied, that in law the fact afforded sufficient evidence of the malice; and, to the last, that an irregular and unlawful meeting of twenty-six persons, pretending to represent the commons of England, could not be considered as the supreme authority in the nation.

Executions.

All were found guilty, and received judgment

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of death; but the execution of those who had voluntarily surrendered themselves was respited, according to the act of indemnity, for the subsequent consideration of parliament. The ten selected to suffer were Harrison, Scot, Carew, Jones, Clements, and Scroop, who had subscribed the fatal warrant; Cook, who acted as solicitor on the trial; Axtele and Hacker, two military officers who guarded the royal prisoner; and Peters, the minister, whose fervid and intemperate eloquence had been so often employed to prepare and support the actors in that remarkable tragedy. The language of these men, both in the court and after their condemnation, exhibited traits of the wildest fanaticism. For the justice of their cause they appealed to the victories which the Lord had given to their swords; to their bibles, which inculcated the duty of shedding the blood of him who had shed the blood of his fellow men; and to the spirit of God, which had testified to their spirit that the execution of Charles Stuart was a necessary act of justice, a glorious deed, the sound of which had gone into most nations, and a solemn recognition of that high supremacy, which the King of heaven holds over the kings of the earth.

Similar sentiments supported and cheered them on the scaffold. When they were told to repent, they replied that of their sins they had repented, and of forgiveness they were assured. But they dared not repent of their share in the death of the

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CHAP. I. 1660.

late king: for to repent of a good deed was to offend God. They were proud to suffer for such a cause. Their martyrdom would be the most glorious spectacle which the world had ever witnessed since the death of Christ. But let the persecutors tremble: the hand of the Lord was already raised to avenge their innocent blood; and in a short time the cause of royalty would crouch before that of independence. They uttered the prediction with the confidence of prophets [10], and submitted to their fate with the constancy of martyrs. Peters alone appeared to shrink from the approach of death. The exhortation of his fellow sufferers revived his courage; a strong cordial braced his nerves; and he mustered sufficient resolution to say that he gloried in the cause, and defied the executioner to do his worst [11].

Punishment of the dead.

These examples did not satisfy the resentment of the royalists, who lamented as a misfortune, that the most odious of the regicides had by a natural death escaped the fate of their associates.

[10] And the prediction was believed. From the Diary of Whaley, Goff, and Dixwell it appears that they looked on the execution of the regicides as the slaying of the witnesses foretold in the Book of Revelations, and that the prediction of a revolution in their favour was to be fulfilled in the mysterious year 1666. The year passed, and their hopes were disappointed; but they consoled themselves with the persuasion that there was an error in the date of the Christian era, and that the accomplishment of the prophecy would speedily arrive. See Howell's State Trials, v. 1362.

[11] Ibid. 947—1301.

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CHAP. I. 1660.

It was true that they were attainted; but the attainder affected all alike; while the greater guilt of some called for more particular proofs of public reprobation. Revenge is ingenious: history could furnish instances of punishment inflicted on the remains of the dead; and in obedience to an order of the two houses, approved by the king, the bodies of Cromwell, Bradshaw, and Ireton, having been removed from their graves, were drawn on hurdles to Tyburn, taken out of their coffins, and hung at the three corners of the gallows on the anniversary of the death of Charles I., the day chosen for this expiatory ceremony. In the evening they were cut down and decapitated; the heads fixed on the front of Westminster-hall, and the trunks thrown into a pit at the place of execution. To the cavaliers this revolting exhibition afforded a subject of merriment and pleasantry: it met with the deserved reprobation of every man of sensibility and judgment. It was an outrage against the common feelings of humanity, and could contribute nothing to the only real end of public punishment—the prevention of crime. The man who dares to stake his life on the pursuit of his object, will not be deterred by the fear of mutilation or suspension after death [12].

[12] Lords' Journals, xi. 205. Kennet's Reg. 367. Though Pride was included in the order, his body was not disturbed. Afterwards (1661, Sep. 12, 14,) about twenty bodies of persons buried in Henry VII.'s chapel, and the church of Westminster, were disinterred by the king's order, and buried again in the church-yard.

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CHAP. I. 1660.

Revolution in landed property.

8°. Since the year 1642, a considerable portion of the landed property in every county had passed from the hands of the original owners into the possession of new claimants; and it was on this important consideration that the founders of the commonwealth rested their principal hope of its subsequent stability. Hundreds of their adherents had by the revolution been raised in the scale of society; they were become invested with the wealth and influence that originally belonged to their superiors; and it was their interest to oppose with all their power the return of a system which would reduce them to poverty and insignificance. Charles in his declaration from Breda, touched on the subject in guarded and measured terms: "he was willing that all controversies in "relation to grants, sales, and purchases, should "be determined in parliament, which could best "provide for the just satisfaction of all who were "concerned." Parliament, however, made no such provision. It confirmed, indeed, as a measure of tranquillization, the judicial decisions which had been given in the courts of law and equity; but the royal promise respecting the transfer of property by grants and sales was forgotten, and, in consequence, no relief was afforded

Among these were the remains of Cromwell's mother, of his daughter Elizabeth Claypole, of admiral Blake, and of colonel Mackworth, who had been interred in the chapel, and of Pym, Dorislaus, Stroud, May the historian, Twiss and Marshall, divines, and of several others buried in the church. Kennet, 534. Neal, 619.

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to two numerous classes of men belonging to the opposite parties. 1°. At the very commencement of the civil troubles many royalists disposed of a portion, or the whole of their estates, that they might relieve the pecuniary wants of the king, or enable themselves to raise men, and serve in the royal armies; and at its conclusion all of them were compelled to have recourse to similar measures, that they might discharge their debts, and pay the heavy fines imposed on them by order of the revolutionary governments. That these men had strong claims on the gratitude and pity of the king and parliament could not be denied; but these claims were neglected, the sales had been effected with their consent, they were bound by their own acts, and consigned to murmur in penury and despair. 2°. The lands belonging to the crown, to the bishops, deans and chapters, and to a few distinguished cavaliers, had been granted away as rewards, or sold to the highest or the most favoured bidder. These were now reclaimed; forcible entries were made; and the holders, as they were not allowed to plead a title derived from an usurped authority, were compelled to submit to superior right or superior power. To the argument that they were, the most of them, bonâ fide purchasers, it was truly replied that they had taken the risk with the benefit: but when they appealed to the "just "satisfaction" promised in the royal declaration from Breda, Charles himself blushed at the rigour

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CHAP. I. 1660.

of his officers and adherents. By proclamation he recommended measures of lenity and conciliation; he advised that the revolutionary purchasers should be admitted as tenants on easy fines; and, at the united request of the two houses, he established a commission to arbitrate between the contending parties. The consequence, however, was, that while the purchasers of the crown lands were in general permitted to remain in possession, the purchasers of the church lands were in numerous instances treated with extreme severity. The incumbents had themselves suffered hard measure; they were old, and therefore anxious to provide for the support of their families after them; and, instead of attending to the royal recommendation, they made no distinction among the bidders, but selected for tenants those individuals who made them the most advantageous offers [13].

Ecclesiastical arrangement.

9°. During the first period of the revolution, the presbyterian ministers had obtained possession of the parish churches; but their orthodoxy was not less intolerant than that of their predecessors, and they pursued with equal violence, the theological offences of schism and heresy. Still, in defiance of their zeal, sectarianism continued to spread; by degrees, the civil and military authority passed into the hands of the inde-

[13] 8t. 12, Car. ii. c. 17. Kennet's Reg. 312. Clarendon, 183. Harris, iv. 345.

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pendents; the presbyterians, in proportion as their power declined, turned their eyes towards the exiled prince; and their ministers, as far as prudence would permit, acted the part of zealous and successful missionaries in his favour. Now that Charles had recovered the crown, was he to expel from their livings the men from whom he had received these services; or was he to protect them, and leave the episcopal clergy to pine in deprivation and want? The first savoured of ingratitude; it was moreover pregnant with danger. It might provoke the presbyterian members, the majority of the house of commons, to oppose the court; a thousand pulpits might join in advocating the duty of resistance; and the smouldering embers of civil war might be easily fanned into a flame by the breath of the preachers. On the other hand, he was led by principle, and pledged in honour to restore that hierarchy, in defence of which his father had forfeited his crown and his life. This was loudly demanded by the cavaliers, and was represented by Hyde as providing the surest bulwark for the throne. Charles did not hesitate: the kirk was sacrificed to the church; and every difficulty was surmounted by the singular address of the minister, joined with the engaging manner and real or affected moderation of the monarch.

Royal declaration.

That the dominion of the ancient laws had returned with the representative of the ancient kings, was a principle which no one ventured to

CHAP. I. 1660.

contradict; but a principle, which taught the votaries of the "solemn league and covenant" to tremble for the idol of their worship, and threatened the presbyterian clergy with the loss of their livings. Their chief reliance was placed on the declaration from Breda, which promised the royal assent to an act of parliament for composing differences in religion, and on the services of their brethren who formed a powerful body in the house of commons. But Charles and his politic adviser had no intention to redeem the royal pledge, or to entrust the decision of this important question to the doubtful orthodoxy of the two houses. The number of the bishops, who had been reduced to nine, was filled up by successive nominations: the survivors of the sequestrated clergy were encouraged to re-enter on their benefices, or to accept a composition from the holders; and the heads of the universities received a royal mandate to restore to their colleges the ejected fellows. At the same time, to lull the apprehensions of the presbyterians, offers of bishoprics were made to the most eminent or moderate of the ministers; ten obtained the nominal honour of being chaplains to the king, and all were confirmed in the possession of their benefices, where the legal claimant was dead, or neglected to enforce his right. But these measures excited alarm: a bill for the settlement of religion was brought into the house of commons: and a resolution was passed that the question should be considered in "a grand com-

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" mittee on every successive Monday". Hyde, in opposition, issued instructions to the friends of the court and the church; they laboured zealously to perplex and protract the proceedings: two long and animated debates called forth the passions of the speakers; and at last the sitting of the committee was suspended for three months, that the king might have time to consult the divines of both communions [14]. For this purpose, papers were exchanged between certain of the bishops and a select number of ministers. On points of doctrine, they scarcely differed; but one party contended warmly for the model of episcopal government formerly devised by archbishop Usher, which the latter absolutely rejected, as offering only another name for the establishment of the presbyterian system [15]. The disagreement had been foreseen; and Charles was advised to interpose as moderator between the disputants. He laid before them the

CHAP. I. 1660.

Oct. 22.

[14] Clarendon, 74. Journal of Com. July 6, 20, 21. " The " committee sat an hour in the dark before candles were suffered " to be brought in, and then they were twice blown out; but the " third time they were preserved, though with great disorder, till " at last about ten at night it was voted", &c. MS. Diary of a Member, in Parl. Hist. vi. 79. 82.

[15] Neal, ii. 568—75. It proposed that the several deans should hold monthly synods of the clergymen under their jurisdiction; the bishops, yearly synods of those within their dioceses; and the archbishops, every third year, synods of the bishops and deputies from each diocese within their respective provinces: but in all these, the presidents were to possess no superior authority, but only to be considered as primi inter pares. See the scheme in the History of Non-conformity, 339—344.

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CHAP. I. 1660.

draft of a royal declaration from the pen of the chancellor, solicited their observations on its provisions, and offered to adopt any reasonable amendment. In a few days, it was published. It gave due praise both to the orthodox and the presbyterian clergy; avowed the king's attachment to episcopacy, but with the conviction, that it might be so modified as, without impairing its real character, to remove the objections brought against it: and for that purpose he enjoined, 1°. with respect to jurisdiction, that no bishop should exercise any illegal or arbitrary authority, or pronounce ecclesiastical censures, or celebrate ordinations without the assistance and advice [16] of his chapter and of an equal number of presbyters deputed by the clergy of thediocese, or confirm in any church without the information and consent of the minister; and 2°. with regard to the religious scruples of the presbyterians, that the reading of the liturgy, the observance of the ceremonies, the subscription to *all* the thirty-nine articles, and the oath of canonical obedience, should not be exacted from those who objected to them through motives of conscience [17].

Oct. 25.

[16] Instead of *advice* the presbyterians moved for the substitution of the word *consent*. Charles refused; and, when a passage from the εικων βασιλικη was objected, hastily replied: "all that is in "that book is not gospel." Kennet, Reg. 283.

[17] L. Journ. xi. 179. Neal, ii. 575—80. Originally it was intended to permit all persons "to meet for *religious worship*, so be "it, they do it not to the disturbance of the peace". But the

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These important concessions were received with joy and gratitude by the party. A meeting of London ministers declared that episcopacy, thus reformed and improved, was a different thing from the episcopacy against which they had protested in the covenant; and their celebrated leader, Dr. Reynolds, whether his scruples were really silenced, or the restraint on his ambition only removed, signified his acceptance of the bishopric of Norwich. Yet the declaration, while it kept the word of promise to the ear, contained a passage which tended to break it to the hope: it alluded to a synod to be convened, when the passions of men should be cooled, that the question might be fairly and finally settled. The presbyterians had no inclination to depend on the uncertain decision of some future synod: they sought a permanent, not a temporary arrangement; and, in a committee of the house of commons, with serjeant Hales at its head, a bill was formed for the purpose of converting the royal declaration into a law. Hyde saw that his own arts were directed against himself: he removed Hales from the house, to take his seat in the exchequer as lord

CHAP. I. 1660.

Policy of the chancellor.

Nov. 6.

presbyterians were not sufficiently liberal to allow to others what they demanded for themselves. Baxter distinguished between *tolerables* and *intolerables*. The papists and socinians were intolerables: their *worship* could not conscientiously be suffered; and, to satisfy the party, the clause was changed into a promise that no man should be disturbed for "difference of *opinion* in "matters of religion". Kennet, Reg. 280. Oldmixon, 488.

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CHAP. I. 1660.

chief baron; the dependents of the court received instructions to vote against the bill; secretary Morris opposed it in a long though moderate speech; and, on a motion that it should be read a second time, it was rejected by a majority of twenty-eight in a house of three hundred and forty members. Shortly afterwards the convention parliament was dissolved [18].

Nov. 28.

Dec. 29.

Insurrections.

That, notwithstanding the general demonstration of loyalty, there were many who secretly lamented the ruin, and ardently sought the restoration, of the republican government, could not be doubted. The royal ministers were placed in a situation in which even a superfluous degree of vigilance or severity might be vindicated, or, at least, excused, on account of the probability of danger. But, while they secured the more prominent and suspicious characters, such as Overton, Desborough, Day, and Courtenay, they appear to have overlooked or despised a conventicle of fanatics in Coleman-street, under the guidance of a wine-cooper, named Venner. The king was gone

[18] Clarendon, 76. Journals of Com. Nov. 28. Parl. Hist. vi. 141. 152. I may observe that, on this occasion Charles exercised his pretension of dispensing with the law in ecclesiastical matters, and yet no one ventured to complain. "It is our will and plea- "sure that none be judged to forfeit his presentation or benefice, "or be deprived of it upon the statute of 13th Eliz. c. 12, so he "read and declare his assent to all the articles of religion, which "only concern the confession of the true Christian faith, and the "doctrine of the sacraments comprised in the book of articles in "the said statute mentioned".

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to Portsmouth in company with the queen mother; and, on the afternoon of the following Sunday, Venner called on his hearers not to pray but to act, to take up arms in the cause of their King Jesus, to whom alone allegiance was due, and never to sheathe the sword till Babylon should be made a hissing and a curse. To raise their courage, the enthusiast held out to them the conquest of the whole world: they should first lead captivity captive in England; from England, proceed to possess the gates of the earth; and then bind kings in chains and nobles in fetters of iron. What, if they were few in number, not more than sixty? They would fight for him who had promised that one should chase a thousand, and two put ten thousand to flight. Arms had been prepared: the soldiers of the heavenly King hastened to St. Paul's, drove before them some of the trained bands, traversed the city, and withdrew, during the night to Cane-wood, between Highgate and Hampstead. The next morning, about thirty were apprehended by the military, and a persuasion existed that the remainder had dispersed; but on Wednesday they were seen in different streets, hastening towards the residence of the lord mayor, and exclaiming, "the King Jesus and their "heads upon the gates." More fanatics had joined them: several rencontres took place with the guards and the trained bands; and the injury which they inflicted was equal to that which they received; but after the loss of two-and-twenty

CHAP. I. 1661. Jan. 6. Jan. 9.

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CHAP. I. 1661.

men killed on the spot, sixteen, most of them wounded, yielded to their opponents, and the remaining few escaped. The prisoners expiated their crime on the gallows. But the failure of the enterprize had not shaken their faith. They died in the same sentiments in which they had lived, proclaiming the sovereignty of their heavenly King, and denouncing his vengeance against the usurpers of his prerogative, the kings of the earth[19].

Jan. 19.

New parliament.

May 8.

I shall not detain the reader with the ceremonial of the coronation, or the rejoicings with which it was celebrated. Charles had previously called a parliament after the ancient and legitimate form; and the result of the elections showed that the fervid loyalty which blazed forth at his restoration had, in the course of twelve months, suffered but little abatement. In a few places, indeed, men of anti-episcopalian principles were returned, but the majority of the members consisted of royalists devoted to the person of the king, and ready to support the measures of the court. Some members of the council possessed seats in the lower house: but it was not yet the custom to employ them as the acknowledged leaders of the party. To save appearances, the chancellor (he had lately been created earl of Clarendon) privately communicated the wishes of the cabinet to a few of the

[19] St. Trials, vi. 105. Kennet, Reg. 354, 562. Heath, 471. Parker, De Rebus sui Temporis, 10. Pepys, i. 167—169.

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most influential members, and each of these held a separate meeting of his friends and followers, whom he instructed in the part that each individual had to act, and the vote which it was expected that he should give. With the aid of a force thus previously, though secretly, organized in the house, the minister experienced little difficulty in defeating the desultory and unconnected efforts of his opponents.

Acts passed.

This parliament, at the commencement of its long career, passed several laws of the highest importance, both in regard to the pretensions of the crown, and the civil and religious liberties of the people. 1°. The solemn league and covenant, with the acts for erecting a high court of justice for the trial of Charles Stuart; for subscribing the engagement; for establishing a commonwealth; for renouncing the title of the present king; and for the security of the protector's person; were ordered to be burnt in the midst of Westminster-hall by the hands of the common hangman. It was affirmed that the negative voice, and the command of the army, were rights inherent in the crown: to devise any bodily harm to the king, and to distinguish between his person and his office, were made treason; to call the king a heretic or a papist, was declared to incapacitate the offender from holding any office in church or state; and the penalties of premunire were enacted against all who should assert that the parliament of 1641 was not dissolved, or that both houses or either house pos-

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CHAP. I. 1661.

sessed legislative authority independently of the sovereign. At the same time, severe restrictions were imposed upon the press, to prevent the publication of books maintaining opinions contrary to the Christian faith, or the doctrine or discipline of the church of England, or tending to the defamation of the church or state, or of the governors thereof, or of any person whomsoever [20].

King's poverty.

2°. Though the convention parliament had undertaken to make ample provision for the pecuniary wants of the government, Charles was advised to apply to the two houses for additional aid, and obtained from their loyalty a grant of four subsidies, the ancient but now obsolete method of raising supplies. It has been said of the king that he was improvident; that the establishment of his household was calculated on the most expensive scale; that he made magnificent presents to his favourites and mistresses; and that he squandered enormous sums in the unnecessary repair and improvement of the royal palaces; but it should also be remembered that at his restoration he found himself incumbered with a debt for which he could not be responsible, the enormous sum owing to the armies in the three kingdoms under the heads of arrears; and that he was moreover compelled, from the destitute state of the several arsenals, to expend 800,000*l.* in the immediate purchase of naval and military stores. We are assured that in the first

[20] Clarendon, 181. Statutes and Journals, passim.

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fifteen months the only sum which could be devoted to the ordinary current expenses of the state was the 70,000*l.* voted on account of the coronation. The parliament repeatedly listened to his solicitations; but the estimates were inaccurate; the taxes proved deficient[21]; they were tardily collected; new debts were contracted before the original debts could be discharged; and, during the whole course of his reign, Charles laboured under the pressure of a burthen which he was unable to remove. This gave a peculiar tone to his policy. To procure money became his habitual pursuit: it entered into all his measures as the principal, or, at least, as an important, object: it dictated to him the match with Portugal and the sale of Dunkirk to France; and it seduced him into that clandestine correspondence and those pecuniary bargains with the French monarch, which have left an indelible stain on his memory. CHAP. I. 1661.

3°. Though the kingdom presented everywhere the appearance of tranquillity, the different parties continued to look on each other with jealousy and apprehension. That there existed many, who, if they had possessed the means, wanted not the will, to overturn the royal government, cannot be doubted; and these, by the imprudence of their language or their carriage, might occasionally min- Reports of conspiracies.

[21] Sir P. Warwick shewed that, of the yearly sum of 1,200,000*l.* voted by the convention parliament, no more than 900,000*l.* per annum was ever received. Pepys, Diary, ii. 161.

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CHAP. I. 1661.

ister just cause of suspicion; but, on the other hand, there were also many, whose credulity was as extravagant as their loyalty; who could discover traces of guilt in conduct innocent or indifferent; and who daily besieged the council board with the history of their fears, and with denunciations of treason. Most of these informers met with deserved neglect; but to some it was thought that greater credit was due: the king communicated their discoveries to the two houses; arrests were ordered, and convictions and executions followed. It has often been asserted that these plots had no real existence; that they were fabricated by the ingenuity of Clarendon, who sought, by exciting unfounded alarms, to procure the sanction of parliament to the measures which he meditated against the non-conformists. But the authors of this charge, so disgraceful to his character, were men, whose sufferings on the score of religion made them his enemies, and who never supported their assertions with any satisfactory proof; nor is it undeserving of remark that, at the very same time, the royalists suspected him of a secret connexion with the republicans, because he received their informations with an air of coldness, and with expressions of disbelief[21].

The king refuses the execution of the other regicides.

These reports and proceedings had, however, a considerable influence on the temper of the two houses, and turned their attention to the fate of

[21] See Monkton's account. Lansdowne MSS. 988, f. 346.

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CHAP. I. 1662.

the surviving regicides, who were still detained in prison. Of those who had been excepted from the penalty of death, all enjoying titles of honour were degraded; and three, the lord Monson, sir Henry Mildmay, and Robert Wallop, on the 30th of January, were pinioned upon hurdles, and drawn through the streets with halters round their necks to the gallows at Tyburn. Of those who had surrendered in consequence of the proclamation, the punishment had been respited till further order of parliament. A bill for their immediate execution was now introduced, passed by the lower house, and sent to the lords; who read it once, examined the prisoners at their bar, and never afterwards noticed the subject [22]. The fact is, that these unhappy men owed their lives to the humanity of the king. "I am weary of hanging," he said to the chancellor, "except for new offences. Let the bill settle in the houses, that it may not come to me; for you know that I cannot pardon them" [20].

1662. Jan. 27.

Trials of Lambert and Vane.

There still remained Vane and Lambert, who, though not actually guilty of the death of Charles I., were considered as fit objects of punishment. Lambert had been the last to draw the sword against the royal cause, and was still looked up to by the republicans as their nominal head. Vane, if he had incurred ridicule by his

[22] C. Journ. 1661, July 1; 1662, Jan. 27; Feb. 1, 3. L. Journ. xi 375. 380. Pepys, i. 243.

[23] See Clarendon's notes in Clar. Pap. iii. App. xlvi.

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CHAP. I. 1662.

extravagance as a religionist, was highly distinguished by his abilities as a statesman. In the first capacity, he had published books replete with pious fanaticism and unintelligible theology; in the latter, he stood without a rival as to matters of finance and civil policy. To his councils and foresight the cavaliers chiefly attributed the almost uniform success of their adversaries; but his great and unredeeming offence was one which, though never mentioned, could never be forgotten. He had been, at the beginning of the troubles, the cause of the death of Strafford, by communicating to Pym the document which he had purloined from his father's desk. There was, however, this peculiarity in the case both of Vane and Lambert, that, though the convention parliament had refused to except them from the penalty of death, yet, on account of the declaration from Breda, it had recommended them to mercy in the event of conviction, and the recommendation had been favourably received by the king[24]. Charles, indeed, was disposed to leave them in prison without further molestation; but the house of commons ordered the attorney-general to bring them to trial, and by three successive addresses extorted the royal consent[25]. Their conduct at the bar presented a singular contrast. Lambert, who had so often faced his enemies in the field,

1660. Sep. 5.

1661. July 1.

1662. Feb. 19.

[24] C. Journ. 28 Aug. 1660; Sep. 5. L. Journals, xi. 156.

[25] C. Journ. July 1; Nov. 22, 1661; Jan. 10; Feb. 19, 1662.

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trembled at the sight of a court of justice: Vane, who had never drawn the sword, braved with intrepidity the frowns and partiality of his judges. The first behaved with caution and modesty: he palliated his opposition to Booth and Monk, by pretending that he was ignorant of their attachment to the house of Stuart; and appealed to the royal mercy to which he thought himself entitled by the king's proclamation and answer to the address of the convention parliament. He received judgment of death; but was confined for life to the island of Guernsey, where he beguiled the hours of banishment by the cultivation of two arts in which he delighted, those of the florist and the painter. Vane, on the contrary, boldly maintained the principles which he had formerly advocated. He was, he said, no traitor. By the act which rendered the long parliament indissoluble without its own consent, the two houses were raised to a power equal and coordinate with that of the king, and possessed a right to restrain oppression and tyranny: by the war which followed between these equal authorities, the people were placed in a new and unprecedented situation, to which the former laws of treason could not apply: after the decision by the sword, "a decision given by that God, who, "being judge of the whole world, does right, and "cannot do otherwise", the parliament became de facto in possession of the sovereign authority, and whatever *he* had done in obedience to that

CHAP. I. 1662.

June 6.

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CHAP. I. 1662.

authority was justifiable by the principles of civil government, and the statute of the 11th of Henry VII. He spoke with a force of reasoning and display of eloquence which surprised the audience and perplexed the court; and the judges were reduced to lay down this extraordinary doctrine, that Charles, in virtue of the succession, had been king de facto, and therefore in possession of the royal power, from the moment of his father's death. Hitherto by a king in possession had been understood a king in the actual exercise of his authority, which Charles most certainly was not; but the judges supported their decision on the ground that he was the only person then claiming the royal power: a miserable sophism, since the authority, the exercise of which constitutes a king de facto, was actually possessed by the parliament, which had abolished the very name and office of king[26].

To Charles his conduct on this occasion was represented as an additional offence, a studied vindication of rebellion, a public assertion that the houses of parliament were the only supreme power in the nation. Those who had before petitioned for his pardon united in soliciting his execution: the king, they maintained, was no longer bound by the royal word; even God himself refused forgiveness to the unrepenting sinner. His enemies

[26] St. Trials, vi. 119—186. But Vane did not merely obey the authority in actual exercise of the supreme power; he formed a part of that authority, keeping the king de jure out of possession.

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prevailed, and Vane submitted with cheerfulness to his fate. On the scaffold he displayed the same intrepid bearing which he had manifested at his trial; and was about to renew the advocacy of his principles to the spectators, when the trumpets were sounded in his face, and his notes were demanded and taken from him by the sheriff. He suffered on Tower-hill. It was the spot where the blood of his victim, Strafford, had been shed; and there he also fell an expiatory sacrifice to the manes of that nobleman. The one began, the other, after an interval of one-and-twenty years, closed, the list of proscription furnished by this period of civil discord [27]. CHAP. I. 1662. June 14.

4°. The feverish state of the public mind, agitated by successive reports of plots and the prosecution of real or supposed conspirators, enabled the ministry to carry a measure, which they deemed highly conducive to the stability of the restored government. Both the presbyterians and cavaliers had given proofs of their attachment to the king; but their loyalty was of a different order: the first sought to limit, the latter to extend, the powers of the crown; the one looked on the constitution of the church as hostile, the other as favourable, to their respective views. In parliament the cavaliers were triumphant; but the government of cities and boroughs throughout the Corporation act.

[27] Pepys, i. 275. See the letter of Charles in Harris, v. 32. St. Trials, vi. 187—198. Ludlow, iii. 89.

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CHAP. I. 1661. kingdom was chiefly in the hands of the presbyterians. To dispossess them of these strong-holds became the policy of Clarendon; and he accomplished his purpose by the corporation act, which, after much opposition, was passed into a law. By it, commissioners were appointed with the power of removing at discretion every individual holding office in or under any corporation in the kingdom; and it was required that all persons permitted to retain their situations should qualify themselves by renouncing the solemn league and covenant, by taking the oaths of allegiance and supremacy, and by declaring upon oath their belief of the unlawfulness of taking up arms against the king on any pretence whatsoever, and their abhorrence of the traitorous doctrine that arms may be taken up by his authority against his person, or against those that are commissioned by him. With respect to the admission of future officers, the act moreover provided, that no man should be eligible who had not, within the year preceding his election, taken the sacrament according to the rite of the church of England. Qualifying tests had been first introduced into our law to exclude the Roman catholics: now the precedent was urged to justify the exclusion of the dissenters; the doctrine of passive obedience was established by authority of the legislature; and the performance of a religious duty was made an indispensible qualification for the holding of a secular office[28]. This act broke

1661. Dec. 20.

[28] St. 13 Car. 2. cap. i. par. ii.

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the power of the presbyterians in the state; the act of uniformity drove them from the places which they still retained in the church. CHAP. I. 1662.

The king had promised that, preparatory to the comprehension of "the dissenting brethren", the Book of Common Prayer should be revised by a commission of divines from both communions. They met at the Savoy; previous debates respecting forms and pretensions occupied a considerable portion of time; at length, the discussion commenced with written papers, and was subsequently continued in personal conferences. But the presbyterians demanded so much, the bishops were disposed to concede so little, that no progress was made; and when the commission (it had been limited to the duration of four months) was on the point of expiring, it was amicably agreed to dismiss the minor subjects of controversy, and to confine the discussion to eight passages in the book, which in the apprehension of the dissenters could not be adopted without sin. With this view, the following question was proposed for debate: "Can a command be sinful, enjoining that which "is not in itself unlawful"? After a long and fretful altercation, neither party was convinced, and both joined in a common answer to the king, that they agreed as to the end, but could come to no agreement as to the means [29]. Conferences at the Savoy. March 25. July 25.

[29] State Trials, vi. 25—44. History of Non-conformity. Neal, ii. 601. In opposition to the bishops it was contended,

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CHAP. I. 1662.

This was the conclusion which had been expected and desired. Charles had already summoned the convocation, and to that assembly was assigned the task which had failed in the hands of the commissioners at the Savoy. Several of the bishops protested against any alteration; but they were overruled by the majority of their brethren; certain amendments and additions were adopted; and the book, in its approved form, was sanctioned by the king, and sent by him to the house of lords[30]. The act of uniformity followed, by which it was enacted that the revised Book of Common Prayer, and of Ordination of Ministers, and no other, should be used in all places of public worship; and that all beneficed clergymen should read the service from it within a given time, and, at the close, profess in a set form of words their "unfeigned assent and consent to every thing "contained and prescribed in it." To this declaration many objected. In obedience to the legislature, they were willing to make use of the book, though they found in it articles and practices of

Act of uniformity. May 8.

May 19.

that a command, enjoining what is lawful, may be sinful per accidens, or may be unlawfully commanded. The point to which the dispute referred was the kneeling at the communion. Id. 328.

[30] The most important of these alterations were perhaps the following: the insertion of the rubric respecting the posture of kneeling at the sacrament, the admission of persons not yet confirmed to communion, and the dispensing with new married persons from the obligation of receiving the communion on the day of marriage, and of the sick from the obligation of confessing their sins, and receiving absolution.

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the truth and propriety of which they doubted; but to assent and consent to what they did not really believe or approve, was repugnant to the common notions of honesty and conscience. An attempt was made to relieve them on the transmission of a bill to amend the act of uniformity from the lower to the upper house. The lords added a declaratory clause, that the words "assent and consent should be understood only as to practice and obedience to the said act"; but the commons instantly rejected the amendment; the lords in a conference submitted to withdraw it; and the only effect of the controversy was to place beyond a doubt the meaning in which the subscription was understood by the legislature [31].

1663. July 25.

July 27.

There were two other clauses, which also gave offence. By one, it was provided that no person should administer the sacrament, or hold ecclesiastical preferment, who had not received episcopal ordination; by the other, that all incumbents, dignitaries, officers in universities, public schoolmasters, and even private tutors, should subscribe a renunciation of the covenant, and a declaration of the unlawfulness of taking up arms against the sovereign under any pretence. It was in vain that the lords objected: a conference followed; the court came to the aid of the commons; the

[31] Lords' Journals, xi. 573, 577. The duke of York and thirteen other peers entered their protests against the amendment, "because it was destructive to the church of England as then "established". 573.

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CHAP. I. 1661.

opposition was abandoned; and the bill in its improved form received the royal assent[32].

The lords more liberal than the commons.

During the progress of this question, the lords had displayed a spirit of liberality which shocked the more rigid orthodoxy of the lower house. They appealed to the declaration from Breda. That instrument was an offer made by the king as head of the adherents to the church and the throne, and accepted by the several other parties within the kingdom. It was virtually a compact between him and the people, which fixed the price of his restoration. The people had done their part in receiving him; it became him now to secure to them the boon which he had promised. That boon, as far as regarded religion, was liberty to tender consciences, and freedom from molestation on account of difference of religious opinion; two things which, it was apprehended, could not be reconciled with the disqualifying enactments of the bill. The manager for the commons replied, that the declaration from Breda had been misunderstood. "Tender" was an epithet implying susceptibility of impression from without; a ten-

[32] St. 13, 14. Car. ii. c. iv. Clarendon, 153. In the conference between the houses much stress was laid on the opportunity which tutors possess of impressing what notions they please on the minds of their pupils. To this circumstance was attributed the strong opposition made to Cromwell in parliament by the younger members; for, during the commonwealth, the clergy of the church of England supported themselves by teaching, and brought up their pupils in principles of loyalty. Lords' Journals, 447.

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der conscience was one which suffered itself to be guided by others; the liberty to tender consciences was therefore confined to the "misled", and not extended to the "mis-leaders"; it was granted to the flocks, but not to the ministers. In aid of this sophistical exposition, he also observed, that the declaration referred to the peace of the kingdom, and to a future act of parliament, as if the act to be passed had been one to impose restraint, instead of "granting indulgence", or the allusion to the peace of the kingdom had not been understood as an exception of the seditious and anarchical doctrines promulgated by some of the fanatical preachers[33]. The act of uniformity may have been necessary for the restoration of the church to its former discipline and doctrine; but if such was the intention of those who formed the declaration from Breda, they were guilty of infidelity to the king and of fraud to the people, by putting into *his* mouth language, which, with the aid of equivocation, they might explain away; and by raising in *them* expectations, which it was never meant to fulfil.

Bishops restored to seats in parliament.

The triumph of the church was now complete. The bishops had already been restored to their seats in parliament, and the spiritual courts had been re-established. To the first of these measures a strong opposition was anticipated from the united efforts of the catholics and presbyterians in

[33] Lords' Journals, xi. 449.

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CHAP. I. 1661.

the house of lords: but of the catholic peers, one only, the viscount Stafford, voted against it; and among the presbyterians the opposition was confined to the survivors of those who had originally supported the bill incapacitating clergymen from the exercise of temporal authority. The second was accomplished with equal facility; but, at the same time, the ecclesiastical jurisdiction was curtailed of two of its most obnoxious appendages, the high commission court, and the power of administering the oath ex officio[34].

Petition of the catholics.

Among others, the English catholics had cherished a hope of profiting by the declaration from Breda; and that hope was supported by the recollection of their sufferings in the royal cause, and their knowledge of the promises made by Charles during his exile. The king was, indeed, well disposed in their favour. He deemed himself bound in honour and gratitude to procure them relief; he knew the execration in which the penal laws against them were held on the continent, and had often declared his resolution to mitigate, whenever he should be restored to his

[34] St. 13. Car. ii. c. 2, 12. Whoever will compare the account in Clarendon, 138, with the Journals, xi. 279, 81, 83, will be astonished at the inaccuracies of the historian. In five material points, including the principal part of his narrative, he is flatly contradicted by the testimony of the Journals. So far was the bill from being detained in the house of lords, that it was forwarded through all its stages with almost unprecedented rapidity. It was sent from the commons on Thursday, and passed by the lords on the Tuesday following.

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father's throne, the severity of such barbarous enactments[35]. In June, 1661, the catholics met at Arundel-house, and presented to the lords a petition, complaining of the penalties to which they were liable for the refusal of oaths incompatible with their religious opinions. The presbyterian leaders lent their aid to the catholic peers; and Clarendon placed himself at the head of their adversaries. Not a voice was raised in favour of the statutes inflicting capital punishments; but, after several debates, the house resolved that "nothing had been offered to move "their lordships to alter anything in the oaths of "allegiance and supremacy". In the mean time, colonel Tuke[36] was heard at the bar against the sanguinary laws; and several papers stating the grievances and prayer of the catholics had been laid on the table. The petitioners claimed the benefit of the declaration from Breda, and observed, that the only objection to their claim rested on the supposition that the acknowledgement of the spiritual supremacy of the pope implied the admission of his temporal superiority. Against this they protested. The doctrine of his temporal authority was a problematical opinion, admitted indeed by some individuals, but no part of the catholic creed; and the petitioners (so far were they from holding it), offered to bind them-

CHAP. I. 1661.

June 8.

June 28.

June 21.

[35] Clarendon, 140.

[36] Sir G. Tuke, of Cressing Temple, in Essex. Pepys, i. 364.

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CHAP. I. 1661.

selves by oath "to oppose with their lives and "fortunes, the pontiff himself, if he should ever "attempt to execute that pretended power, and "to obey their sovereign in opposition to all "foreign and domestic power whatsoever without "restriction[37]". The house, having received the report of a committee to inquire into "the san-"guinary laws", resolved to abolish the writ de hæretico inquirendo, and to repeal all the statutes which imposed the penalties of treason on catholic clergymen found within the realm, or those of felony on the harbourers of such clergymen, or those of premunire on all who maintained the authority of the bishop of Rome. But this measure of relief did not equal the expectations of the laity, who sought to be freed from the fines and forfeitures of recusancy; and the whole project was quashed by the cunning of an adversary, who moved and carried a resolution that no member of the society of Jesuits should enjoy the benefit of the intended act. Immediately discord spread itself among the petitioners; pamphlets in favour of and against the society were published; and, on the one hand, it was contended that the boon, with whatever exceptions it were clogged, ought to be accepted, and that the Jesuits were bound in decency to resign their own pretensions for the common benefit of the body; on the other, that the distinction sought to be established in

July 16.

[37] Kennet's Register, 476.

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the bill was groundless and unjust, and that, if the catholics consented to purchase relief for themselves by the proscription of the order, they would entail on their memory the stigma of selfishness and perfidy. Amidst these altercations, the committee at Arundel-house was dissolved; the progress of the bill was suspended, at the request of the catholic peers; and, in the succeeding session, no one ventured to recal it to the attention of parliament[38].

From the restoration of the royal authority in England, we may turn to its re-establishment in Scotland and Ireland; which countries, as they had not been mentioned in the declaration from Breda, depended for their subsequent fate on the good pleasure of the sovereign.

With respect to Scotland, the first question submitted to the royal consideration was, whether it

Transactions in Scotland.

[38] Journals, xi. 276, 286, 299, 310. Kennet's Register, 469, 476, 484, 495. Orleans, 236. Letter from a Person of Quality to a Peer of the Realm, &c. 1661. Clarendon, in his account of this transaction (p. 143), tells us that the Jesuits were apprehensive of being excluded from the benefit of the act, and broke up the committee at Arundel-house by declaring, that "catholics "could not, with a good conscience, deprive the pope of his temporal authority, which he hath in all kingdoms granted to him "by God himself." But Clarendon is, as usual, incorrect; for they were actually excluded from the benefit of the act (Journ. 310): and in their "reasons", published by them at the time, they declare that ever since the year 1618 all Jesuits, by order of their general, "are obliged, under pain of damnation, not to teach "the doctrine" which Clarendon ascribes to them, "either in "word, writing, or print". Kennet's Reg. 496.

CHAP. I. 1660.

should remain in its present state of an incorporated province, or be restored to its ancient dignity of an independent kingdom. By his English advisers Charles was reminded, that the Scots were the original authors of the calamities which had befallen his family: they were now a conquered and prostrate people: let him beware how he replaced them in a situation to display their accustomed obstinacy, and to renew their disloyal engagements. But the king cherished more kindly feelings towards the land of his fathers, and willingly acquiesced in the prayer of the Scottish lords, whom loyalty or interest had drawn to his court. The survivors of the committee of estates, whom he had named previously to his disastrous expedition into England in 1651, received orders to resume the government of Scotland, and the earl of Middleton was appointed lord commissioner; the earl of Glencairn, lord chancellor; the earl of Lauderdale, secretary of state; the earl of Rothes, president of the council, and the earl of Crawford, lord treasurer. The two first had repeatedly proved their loyalty in the field; the other three had suffered a long imprisonment for their services under the duke of Hamilton; of the five, Middleton chiefly possessed the confidence of the English cabinet, though Lauderdale, from the pliancy of his temper, and his constant attendance on Charles, had won the personal affection of the monarch.

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CHAP. I. 1661.

In a short time a parliament was summoned to meet at Edinburgh [40]. The terrors of punishment for past delinquency had been held out as a warning to the prudence of the members; and the house was found to be composed of cavaliers by principle, or of proselytes eager to prove the sincerity of their new political professions. To obtain from such men a recognition of the legitimate rights of the sovereign was an easy task; but the commissioner had in view an object of more difficult attainment. In his opinion, the royal authority could never be secure till the church, by the restoration of the hierarchy, should be rendered dependent on the crown; and, for this purpose, he undertook to exalt the prerogative, to demolish the covenant and the pretensions which had been built upon it, and to humble the pride, and curb the presumption, of the kirkmen. By a series of acts it was declared that the power of appointing the chief officers in the state, of calling and dissolving parliaments, of commanding the forces, and of making treaties with foreign potentates, resided solely in the king; that without his assent no acts passed in parliament could obtain the force of law; that it was high treason for subjects to rise, or continue in arms, without the sanction of

Proceedings in parliament. 1661. Jan. 1.

[40] The proceedings of this parliament were afterwards called in question, because the members neglected to sign the covenant, a condition required by a law then in force, and declaring the constitution of parliament without it null and void. Kirkton, 88. From the habitual intoxication of Middleton and his friends, it was called the drunken parliament. Id.

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CHAP. I. 1661.

his authority; that all assemblies under the pretence of treating of matters of state, civil or ecclesiastical, were, if holden without his special consent, contrary to law; that neither the solemn league and covenant, nor the treaties arising out of it, could authorize any seditious interference with the churches of England and Ireland; that, for the future, no man should take, or offer to be taken by others, the said covenant without his majesty's special warrant and approbation; and that every individual holding office should subscribe a declaration of his submission to these acts, and take an oath of allegiance, acknowledging the king to be "supreme governor over all persons "and in all cases". The ministers had viewed these enactments, so rapidly succeeding each other, with misgivings and apprehension: they knew not how to reconcile with their consciences a declaration which seemed to make the destiny of millions dependent on the will of a single man; and they discovered in the oath an implied acknowledgment of the king's spiritual supremacy, to the disherison of the kirk and of Christ. To their representations Middleton replied, that the sovereign did not claim any ecclesiastical authority in "the word, "the sacraments, or the discipline"; but when they prayed that the explanatory epithet "civil" might therefore be inserted before "governor", he contemptuously rejected their petition[40].

[40] Scottish Acts, p. 10, 2, 3, 6, 8, 45. Kirkton, 90. Wodrow, 21—24, 26. App. viii. Baillie, ii. 449, 450. Burnet, i. 197—9. Oxford, 1823, and Middleton's Narration in Miscel. Aul. 179.

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CHAP. I. 1661.

Rescissory act.

Emboldened by his success, the commissioner ventured to recommend a measure unprecedented in the annals of Scotland. Though much had been done to clear the way before him, the lawyers still discovered a multitude of legal obstacles to the accomplishment of his object; and, to save time and debate, he resolved by one sweeping and decisive act to annul all the proceedings of all the Scottish parliaments during the last eight-and-twenty years. The lord-treasurer and the young duke of Hamilton [41] objected, that two of these parliaments had been honoured with the presence and sanction of Charles I. and of his son, and that to rescind them would be to repeal the act of indemnity, and the approbation of the "engagement". But Middleton replied, that on each occasion the king, though in possession of physical liberty, had been under moral restraint; and that the alleged acts, laudable as they were in their object, were grounded on motives so false and hypocritical, as to prove a disgrace to the national legislation. His reasoning, or his authority, silenced his opponents; the rescissory act was passed; and at one blow every legal prop of the Scottish kirk was levelled with the ground. The ministers looked around them with astonishment. They met in several counties to consult and remonstrate; but

March 28.

[41] A son of the marquess of Douglas, who obtained the title in consequence of his marriage with the heiress of the late duke of Hamilton, with 20,000*l.* out of the customs of Leith. Baillie, ii. 442.

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CHAP. I. 1661.

their synods were everywhere dispersed or suspended by the authority of the government[42].

Trial of Argyle.

Another object of the commissioner, subsidiary to the former, was to intimidate by examples of punishment. In England, the demands of justice had been satisfied with the blood of the regicides: to expiate the guilt of Scotland, a more illustrious victim was selected, the marquess of Argyle. No man had more deeply offended in the opinion of the cavaliers; they called for vengeance against the betrayer of his sovereign and the murderer of Montrose; and they represented him to Charles as the most crafty and selfish of demagogues; one, who, under every change, whether he swayed the councils of the Scottish rebels, or placed the crown on the head of the true heir at Scone, or sat as a commoner in the parliament of the usurper, Richard, had always contrived to conceal, under the mask of patriotism, his only real object, the aggrandizement of his family. The moment he arrived in London, to pay his court to the restored monarch, he was secured and conducted to the Tower; his petition for a personal interview was refused through the influence of those who were acquainted with his insinuating manner, and the easy temper of the king; and Charles, to escape from the painful task of deciding on his fate, sent him back to Scotland, to be tried by his countrymen, or

1660. July 7.

[42] Scottish Acts, p. 86. Wodrow, 27, 31—34. Burnet, 199. Miscel. Aul. 182.

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rather by his enemies in parliament [43]. From them, Argyle had no reason to expect either justice or mercy. He first sought to obtain delay, by soliciting a commission to examine witnesses; then abandoning all defence, threw himself on the mercy of the sovereign; and, when his submission was rejected as unsatisfactory by the parliament, claimed the benefit of the amnesty formerly granted at Stirling. To this, in opposition to the remonstrances of Middleton, Charles declared that he was fully entitled; and thus the charge against him was confined to offences alleged to have been committed since 1651; which were, that he had repeatedly employed defamatory and traitorous language in speaking of the royal family; that he had obtained a grant of 12,000*l.* from Oliver Cromwell; that he had given his aid to the English invaders against the liberty of his country; and that he sat and voted in the parliament of Richard Cromwell, which had passed a bill abjuring the right of the Stuarts to the crowns of the three kingdoms. It was replied, that of the words attributed to the accused, some had never been uttered by him at all, and others were susceptible

CHAP. I. 1661.

Feb. 12.

March 5.

March 11.

[43] Warriston and Swinton were almost as odious to the cavaliers as Argyle. The first escaped the search of his enemies, the second was discovered and apprehended. But the zealous and stubborn covenanter dwindled into a meek and humble quaker, and by the ingenuousness of his confession saved his life, though he forfeited his estate. The witlings, however, contended that, if he had not trembled, he never would have quaked. Baillie, ii. 446. Kirkton, 98, 9. Wodrow, 86.

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CHAP. I. 1661.

of a very innocent meaning; that the money had been received from Cromwell, not as a reward for services rendered to the usurper, but as a compensation for losses suffered by the marquess; and that the laws which prevail under a legitimate government, ought not to be strictly applied to the conduct of subjects during a temporary usurpation; because, though it were treasonable to concur in transferring the sovereign authority to an unjust possessor, it might be meritorious to employ the authority so transferred for the good of the country. Now this was the case of Argyle. He sat, indeed, in Richard's parliament; but he sat there, not to support the usurper, but to procure a diminution of the taxes imposed upon Scotland, to prevent the incorporation of the country with England, and to lend a helping hand to the restoration of the legitimate monarch. For some time his fate remained in suspense: it was decided by the arrival of a small parcel of four or five letters, formerly written by him, partly to Monk, partly to other Cromwellian officers[44]. With their purport we are not accurately acquainted: but the result proves that they contained strong assertions of enmity to the king, or of attachment to the pro-

[44] That these letters were furnished by Monk, is, I think, victoriously proved by Laing, iv. 413: how far they were letters of "friendship and confidence," appears to me very uncertain. Though Burnet and Cunninghame represent Monk and Argyle as living in habits of friendship, the documents in Thurloe show that they were distrustful of each other. Thurloe, v. 604; vi. 341; vii. 584.

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tector. They were read in the house; his friends, oppressed with shame and despair, retired; and judgment of death was pronounced against the unfortunate nobleman. Still, could he have appealed to the king, his life would probably have been spared; but his judges allowed him only forty-eight hours to prepare for death, and he employed them in seeking from God that mercy which was refused to him by man. In the fervour of his prayer, he thought that he heard a voice, saying, "Son, be of good cheer, thy sins are forgiven thee;" and, under this persuasion, he mounted the scaffold with an intrepidity which disappointed the malice of his enemies, and expressed an attachment to the covenant, which raised him to the rank of a martyr in the estimation of the kirkmen. His head was struck off by the maiden, and fixed on the same spike which had supported that of his reputed victim, Montrose[45].

CHAP. I. 1661.

Condemnation. May 25.

And death. May 27.

That the forms of justice were violated in this celebrated trial, no one can doubt. Whatever may have been the offences of Argyle, they were not judicially proved. But he had rendered himself odious to the cavaliers by his strenuous ad-

[45] State Trials, v. 1369—1508. Baillie, ii. 451, 2. Kirkton, 100—4. Wodrow, 42—57. App. 23—8, 30—45. Clarendon, 58, 212. Burnet, i. 207—14. At the same time "the parliament "thought fit to honour Montrose his carcase with a glorious "second burial, to compense the dishonour of the first, and with "him one Hay, of Delgattie (a flagitious papist), and one of "his colonels". Kirkton, 122.

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CHAP. I. 1661.

vocacy of the covenant; to his countrymen by his subserviency to their English conquerors; and to the more moderate part of the clergy, by his adhesion to the remonstrants. It was supposed that his death had been hastened by his enemies, as much through the hope of enriching themselves from the wreck of his fortune, as for the gratification of revenge. But Charles rescued his vast possessions from their grasp, and gave them back, with some exceptions, to his eldest son, whom he created earl of Argyle[46].

Other executions.

The execution of this nobleman was followed by that of Guthrie, one of the most violent and influential among the protesting ministers. He had formerly excommunicated Middleton, had joined the western remonstrants, and been one of the compilers of the tract, entitled "The "Causes of God's Wrath"; and since the restoration, he had called, in defiance of the committee of estates, a meeting to remind the king of the duties imposed on him by the covenant, and to warn him against the employment of malignants in his service. He attempted to vindicate his conduct by appealing to the confession of faith, the national covenant, the solemn league and

April 11.

[46] The young Argyle, in a private letter to the lord Duffers, complained in no very measured terms of the commissioner and the parliament. The letter was intercepted, and the writer accused of *leasingmaking*, which by the Scottish law was a capital offence. The parliament condemned him to death; but Charles granted him a pardon, and, after some time, discharged him from prison. Kirkton, 143.

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covenant, and the unbending opposition which he had always offered to the usurpation of the Cromwells. But it was resolved that one of the clergy should suffer as an example to the rest; and his colleague, Gillespie, who, by the turbulence of his zeal, and his proud contempt of the civil authority, had earned an equal, if not a better, claim to the crown of martyrdom, descended from his high pretensions, and submitted to solicit the royal pardon, on condition of promoting the cause of episcopacy. Guthrie appeared on the scaffold with an air of triumph, and harangued the spectators in his usual tone of invective and enthusiasm. He declared that God was wroth at the sins of the people; he threatened them with the worst of the divine judgments; and foretold that the candlestick of the kirk would be removed out of its place, a prediction which was verified sooner, perhaps, than he expected. In company with him perished the third and last victim, a captain Govan, who had laid down his arms at Hamilton, and deserted to Cromwell. Why he was selected to suffer in preference to so many others, no one knew; but it was generally thought that his offence might have been passed over without notice, on account of the utter insignificance of the man[47].

CHAP. I. 1661.

On the first news of the king's restoration, the Scottish ministers had most anxiously deprecated

Restoration of bishops.

[47] Baillie, ii. 455, 7, 453. Kirkton, 109, 110, 111. Wodrow, 57—70, 77. App. 47. Burnet, i. 214.

CHAP. I. 1661.

the extension to Scotland of the indulgence to tender consciences promised by him at Breda: in the course of a year they were compelled to solicit for themselves, and to solicit in vain, that indulgence which they had so sternly refused to others[48]. By the 16th act of the session "the "settling and securing of church government, as "might be consistent with scripture, monarchy, "and peace", had been entrusted to the king: Middleton now assured him that the restoration of episcopacy was the earnest wish of the nation; and a proclamation soon announced the royal intention of gratifying that wish, and at the same time prohibited all meetings of synods and presbyteries. Of the former prelates, Sydserfe alone survived; but he was a man of no estimation with either party; and though his ambition aspired to the archiepiscopal see of St. Andrews, he was compelled to content himself with the distant bishopric of Orkney. The first dignity in the restored hierarchy was given to one whose elevation filled the ministers with rage and despair—to Sharp, who had been sent to London as their agent for the purpose of preserving the independence of the kirk, and who now returned wearing the archiepiscopal mitre, the lord of his former equals, and the subverter of their spiritual rights. In revenge, they pried into the frailties of his private, and condemned him of perfidy in public, life. The charges of inconti-

Sep. 6.

[48] Baillie, ii. 459. Wodrow, Introd. 21, 2. App. to do. 57.

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nency and infanticide may with probability be attributed to the malice of his enemies; but the result of his mission, so advantageous to himself, so disastrous to his employers, must throw doubts on his integrity; and few will give credit to his assertions that he served the kirk faithfully while there remained a chance of success, and only accepted the archbishopric, when he saw that his refusal would leave it open to the ambition of men of violent and dangerous principles. By his advice, Fairfoul was named to the see of Glasgow, Hamilton to that of Galloway, and Leighton to that of Dumblain. The two first never equalled the expectations which they had raised; the third, son of the Dr. Leighton, who under Charles I. suffered as the author of "Zion's "Plea against Prelates", was so distinguished by his piety, disinterestedness, and learning, that the enemies of episcopacy could offer no other objection against him, than that he was in heart a papist. The four prelates were summoned to the English capital to receive episcopal ordination, "a flower not to be found in a Scottish gardine"; they were consecrated at Westminster by Sheldon, bishop of London, and the event was celebrated with a banquet, the luxury and splendour of which afforded matter of censure to their opponents, and scandalized the simplicity of Leighton. From the English capital they hastened to their own country; at Edinburgh they were received in solemn procession, the parliament

May 8.

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CHAP. I. 1661.

invited them by deputation to take their seats in the house, and an act was passed restoring them to "the exercise of the episcopal function, precedence in the church, power of ordination, infliction of censures, and all other acts of church discipline"; and ordaining that, "whatever should be determined by his majesty with their advice and that of other clergymen nominated by him, in the external government and policy of the church, should be valid and effectual". In a short time the number of prelates was augmented to fourteen, and all ministers, who had entered on their livings since the year 1649, were ordered to receive collation from their respective bishops under the penalty of deprivation[49].

Recal of the English garrisons.

To gild this bitter pill, the commissioner advised the king to withdraw the English forces from Scotland. This he thought reasonable, and his English counsellors, though they still wished

[49] Baillie, ii. 459, 460. Kirkton, 81, 5, 135—8. Miscel. Aul. 184. Wodrow, i. 96—163, 114, 116. App. 52. Clarendon, 213. Burnet, i. 223—38. The English bishops would not allow of the presbyterian ordinations, nor admit that episcopacy, as the plenitude of the sacerdotal character, necessarily included the lower orders, a principle on which Spotiswood, in the reign of James I. had been consecrated bishop without receiving the inferior orders. On this account Sharp and Leighton, who had not received episcopal ordination, were compelled to receive the orders of deacon and priest, preparatory to that of bishop. But, on their return to Scotland, they acted on the principle previously adopted at the consecration of Spotiswood. Burnet, i. 237. Wodrow, i. 102, 3. Kirkton, 137.

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to keep their northern neighbours under the yoke, reluctantly acquiesced in the pleasure of their sovereign. The garrisons were recalled, and the fortifications, the badges of Scottish slavery, were demolished. Such, to Scotland, was the immediate result of the restoration; the nation recovered its civil, and lost its ecclesiastical independence [50].

CHAP. I. 1661.

II. The reader is aware, that in Ireland a new race of proprietors had arisen, soldiers and adventurers of English birth, who, during the late revolutionary period, had shared among themselves the lands of the natives, whether royalists or catholics. On the fall of Richard Cromwell, a council of officers was established in Dublin; these summoned a convention of deputies from the protestant proprietors; and the convention tendered to Charles the obedience of his ancient kingdom of Ireland. It was not that the members felt any strong attachment to the cause of royalty; they had been among the most violent and enterprising of its adversaries; but their fear of the natives, whom they had trampled in the dust, compelled them to follow the footsteps of the English parliament. To secure the royal protec-

Transactions in Ireland.

[50] Clarendon, 213–6. Burnet, i. 183. Wodrow, 107. To divert the attention of the more fervent from these changes, they were exhorted to exercise their zeal against papists and witches. All the acts against the former were ordered to be put in execution, and commissioners, to search for the latter, were appointed in almost every parish. Multitudes were executed for this imaginary offence. Wodrow, 107, 8, 9.

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CHAP. I. 1661.

tion, they made the king an offer of a considerable sum of money, assured him, though falsely, that the Irish catholics meditated a general insurrection, and prayed him to summon a protestant parliament in Ireland, which might confirm the existing proprietors in the undisturbed possession of their estates. The present was graciously accepted; and the penal laws against the Irish catholics were ordered to be strictly enforced; but Charles was unwilling to call a parliament, because it would necessarily consist of men, whose principles, both civil and religious, he had been taught to distrust [51].

Restoration of bishops.

The first measure recommended to him by his English advisers, with respect to Ireland, was the re-establishment of episcopacy. For this no legislative enactment was requisite. His return had given to the ancient laws their pristine authority, and by those laws no other form of church government was acknowledged. In virtue, therefore, of his supremacy, Charles directed the surviving bishops to take possession of their respective dioceses, nominated new prelates to the vacant sees, and authorised them to reclaim all ecclesiastical property which had fallen into the hands of laymen. The ministers petitioned against this measure; and, had the recent settlers been true to their principles, a most formidable opposition would have been raised. But mam-

[51] Clar. Contin. 57.

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mon got the better of conscience: they dared not provoke a monarch, on whose pleasure they depended for the preservation of their lands; and, in a short time, the episcopal hierarchy was quietly restored to the enjoyment of its former rights, and the exercise of its former jurisdiction[52].

Disputes respecting landed property.

To this, a work of easy accomplishment, succeeded a much more difficult attempt,—the settlement of landed property in Ireland. The military, whom it was dangerous to disoblige, and the adventurers, whose pretensions had been sanctioned by Charles I., demanded the royal confirmation of the titles by which they held their estates[53]; and the demand was opposed by a multitude of petitioners claiming restitution or compensation; by officers who served in the royal army before 1649, and had not yet received the arrears of their pay; by protestant loyalists, whose property had been confiscated under the commonwealth; by catholics who had never joined

[52] Clar. 105.

[53] Charles I. had given his assent to the first act (17 Car. I.), but the parliament had afterwards, in 1643, passed the doubling ordinance, by which, whoever advanced one-fourth more on his original subscription, received credit for twice the amount of the whole sum actually furnished. The subscriber of 1000*l.*, by adding 250*l.*, became creditor to the amount of 2500*l.*, and was entitled to lands in Ireland of that value. Where the original subscriber refused, any other person might advance the fourth, and receive the whole benefit arising from the advance, which the first had forfeited. Carte's Ormond, ii. 224. In the settlement of Ireland all claims of doubling were rejected.

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CHAP. I. 1661.

the confederate assembly at Kilkenny, or had faithfully observed the peace concluded with Ormond, or had served under the royal banners in Flanders; by heirs, whose estates had been forfeited on account of the misconduct of the last holders, though they were but tenants for life; by widows, who had been deprived of their jointures; and by creditors, who could no longer recover on bond or mortgage [54]. Humanity, gratitude, and justice, called on the king to listen to many of these claims. He sincerely deplored the miserable state of the Irish natives, whom the republicans had swept from the soil of their birth, and "transplanted" on the barren district beyond the Shannon; and he deemed himself bound in honour and conscience to protect the interests of the loyalists, who had followed him in his exile abroad, or at his command had left the service of foreign powers to form the royal army on the continent [55].

The king's declaration.

From an estimate delivered to the king, it appeared, that there still remained at his disposal forfeited lands of the yearly rental of from eighty to one hundred thousand pounds; a fund sufficiently ample, it was contended, to "reprize" or compensate all the Irish, really deserving of the royal favour. Under this impression, Charles published his celebrated declaration for the settlement of Ireland. It provided, that no person

1660. Nov. 30.

[54] Clar. 60—66. [55] Clar. 112.

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deriving his title from the adventurers under the parliament, or the soldiers under the commonwealth, should be disturbed in the possession of his lands, without receiving an equivalent from the fund for reprisals; that all innocents, whether protestants or catholics, that is, persons who had never adhered either to the parliament or the confederates, should be restored to their rightful estates; and that of those who claimed under the peace of 1648, such as had accepted locations in Clare and Connaught, should be bound by their own acts, compulsory as those acts had been; but the others should recover their former possessions, or receive lands of equal value.

To this arrangement was appended a list of the qualifications of innocence, but so constructed as to exclude from the benefit of that plea the greatest possible number of catholics. Not only to have openly adhered to the confederates, but even to have corresponded with them, or to have derived advantage from the treaties concluded between them and Ormond, or to have lived quietly at home, if that home was situated within the quarters of the confederates, were to be taken as conclusive evidence of guilt, and an effectual bar to relief[56].

The subject now came before the Irish parliament. The commons, who had been returned by the preponderating influence of the soldiers and

[56] Irish Statutes, ii. 239—348. Carte's Ormond, ii. 216.

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CHAP. I. 1661.

adventurers, voted that the declaration should be passed into a law; but by the lords it was contended that such a law would reduce the old families, both catholic and protestant, to a state of penury, in order to establish a new and upstart interest in Ireland. By order of the former, a deputation of the house proceeded to London to lay the draught of a bill before the king in council; but the lords appointed four commissioners to oppose some of its provisions; and the catholics seized the opportunity to petition by agents in their own favour.

June 12.

The parties heard before the council.

Sep.

The contending parties were repeatedly heard by Charles himself; and the Irish had reason to expect a favourable result, when they marred their cause by their imprudence [57]. In the ardour of declamation, they not only defended themselves, but assailed others. Why, they asked, were they to be deprived of their estates in favour of rebels and traitors? Because, it was answered, they stood there covered with the blood of one hundred thousand protestants massacred by them during their rebellion [58]. They, indeed, denied the charge;

[57] See Ormond's Letter in Carte, ii. 233.

[58] Walsh (Irish Colours Folded, p. 3.) asserts that their opponents raised the number to three hundred thousand. Mrs. Macauley (Hist. vi. 62.) tells us that "no attempt was made by "the papists to disprove the assertion" respecting the massacre. Most assuredly she could never have heard of the several tracts written at the time, and provoked by this charge, such as, The Irish Colours Folded, by P. W.; A Collection of some of the Massacres and Murders Committed on the Irish since 1641; or

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they retorted it in the face of their accusers; murder was a crime with respect to which they were more sinned against than sinning. Their only wish was that an inquiry should be instituted; and that the real murderers, whatever were their religion, should be excluded from the benefit of the bill of indemnity. But the patience of Charles (he had hitherto attended the debates with the most edifying assiduity), was exhausted; he longed to withdraw himself from the recriminations of these violent disputants; and on the discovery of an obnoxious paper, formerly signed by sir Nicholas Plunkett, one of the agents, ordered the doors of the council to be closed against the deputies of the natives. The heads of the bill were then arranged, returned to Dublin, and ultimately passed into a law by the parliament [59]. 1662. May.

CHAP. I. 1661.

But to execute this act was found to be a task of considerable difficulty. By improvident grants of lands to the church, the dukes of York, Ormond, Decisions of the court of claims.

Walsh's Reply to a Person of Quality; or to a Person of Quality's Answer; or his Letter to the Bishop of Lincoln, p. 225—230; or a Letter to a Member of Parliament, showing the Hardships, Cruelties, &c.; or a Briefe Narrative of Cruelties Committed on the Irish. In Ireland's Case briefly Stated, p. 41, an attempt is made to prove that the number of persons murdered by the protestants exceeded by six times that of those murdered by the catholics.

[59] Clar. 106—115. Carte, ii. 245. Memoirs of Orrery, 67—70. The obnoxious paper was the copy of instructions from the supreme council in 1648 to their agent, to offer Ireland to the pope, or any catholic power, that would undertake to defend them against the parliament. Carte, ibid.

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CHAP. I. 1661.

and Albemarle, the earls of Orrery, Montrath, Kingston, Massarene, and several others, the fund for reprisals had been almost exhausted; and yet it was from that fund that compensation was to be furnished to the forty-nine officers, to the ensignmen, or those who served in Flanders, and to the soldiers and adventurers, who might be compelled to yield up their plantations by the court of claims. Among this class, indeed, a general alarm was excited; for in the course of six months, during which the commissioners sate, several hundred decrees of innocence had been issued, and three thousand petitions still remained for investigation. To secure themselves, they demanded an explanatory act: the duke of Ormond, now lord-lieutenant, repaired to London, and ten months were spent in useless attempts to reconcile the jarring interests of the different parties.

1663. Feb. 15.

Aug. 15.

Intrigues of the occupiers.

From the very beginning of these transactions, the actual occupants of the lands had displayed a bold defiance of decency and justice in their efforts to bring the cause to a favourable termination. 1°. They had recourse to bribery. A fund of more than 20,000*l.* was subscribed, and placed in the hands of sir James Sheen, who hastened to London, and purchased at different rates, the patronage and good offices of persons supposed to possess influence in the council, or over the mind of the king[60]. 2°. To keep up the irritation of the

[60] Orrery, Letters, 101. Carte, ii. 232.

CHAP. I. 1661.

public mind against the Irish catholics, they circulated reports of an intended rebellion, forwarded to the council informations respecting imaginary plots, and, at length produced a treasonable letter supposed to be written by one clergyman to another, and dropped by the latter, as he made his escape from the officers of justice. Many priests were immediately apprehended; all catholic shopkeepers and mechanics were banished out of the principal towns, and the houses of the catholic gentry were searched for the discovery of arms and ammunition. But the two clergymen, the supposed writer and receiver of the letter, boldly came forward, and proved the forgery, to the entire satisfaction of the council, and the confusion of those who had fabricated the pretended conspiracy[61]. 3°. The Irish house of commons, which

1661. Dec. 2.

Dec. 20.

[61] On this occasion a protestation of allegiance, composed by Richard Bellings, was approved at a private meeting in Dublin, and transmitted to London, where it was signed by the principal of the Irish catholics in the capital, one bishop, several clergymen, and many peers and gentlemen. By Charles it was graciously received; but certain passages in it were disapproved in Rome, and censured by the university of Louvain. This did not prevent the leading catholics in Dublin from subscribing their names to a circular letter exhorting the laity to sign the protestation or remonstrance. Ormond, however, ordered the letter to be suppressed; and when other instruments were offered him, similar in their object, but less offensive to the court of Rome in their language, he rejected them as unsatisfactory. In 1666 a synod of the clergy subscribed a new form, founded on the celebrated articles of the Gallican church, but this he also refused to accept. See Walsh, History and Vindication, &c. 97, 694. What was Ormond's real motive? "My aim", he says in a private letter,

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CHAP. I. 1661. was composed of persons deeply interested in the result, submitted to the approbation of the lord-lieutenant a new code of rules to be established in the court of claims. By him it was rejected, on the ground that such rules would render the proof of innocence almost impossible; and its authors, in a moment of irritation, moved and carried a bold and dangerous vote, pledging the house to defend the protestants of Ireland against the unjust decisions of the commissioners. The consequence was soon apparent. The knowledge of this vote awakened from its slumbers the revolutionary spirit of the settlers, who had formerly borne commissions in the republican armies. They had won their lands with the sword, why should they not defend them with the sword? Associations were formed; plans of attack were arranged; and two plots, having for their object to seize the castle of Dublin, and secure the person of the lord-lieutenant, were defeated by the previous disclosures of some among the conspirators. Of these, the greater part merited pardon by the humble confession of their guilt; several suffered the penalty of death[62].

1663. Feb. 28.

May 25.

Final settlement. The duration of this perplexing controversy at last induced the most obstinate to relax from their

" was to work a division among the Romish clergy, and I believe " I had accomplished it to the great security of the government " and the protestants, and against the opposition of the pope, " and his creatures and nuncios, if I had not been removed". Carte, ii. App. 101.

[62] Carte, 261, 5, 6, 70. Orrery, Letters, 134.

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pretensions; and the soldiers, the adventurers, and the grantees of the crown, unanimously consented to augment the fund for reprisals by the surrender of one-third of their acquisitions. The king by this measure was placed in a situation, not indeed to do justice, but to silence the most importunate or most deserving among the petitioners; and, by an explanatory act, he gave to the forty-nine protestant officers the security which they sought, and added twenty catholics to a former list of thirty-four nominees, or persons to be restored to their mansion-houses, and two thousand acres of land. But when compensation had thus been made to a few of the sufferers, what, it may be asked, became of the officers who had followed the royal fortune abroad, or of the three thousand catholics who had entered their claims of innocence? To all these, the promises which had been made by the act of settlement were broken; the unfortunate claimants were deprived of their rights, and debarred from all hope of future relief. A measure of such sweeping and appalling oppression, is perhaps without a parallel in the history of civilized nations. Its injustice could not be denied; and the only apology offered in its behalf, was the stern necessity of quieting the fears and jealousies of the Cromwellian settlers, and of establishing on a permanent basis the protestant ascendancy in Ireland[63].

CHAP. I. 1661. 1665. Aug.

[63] Clar. 112, 134. Carte, 310—6. Irish St. vol. iii. 2—137.

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CHAP. I. 1661.

Its consequences.

Though, to facilitate the execution of the act, it was provided that any doubt on its construction should be interpreted in favour of the protestant party; yet so many difficulties occurred, that several years elapsed before the settlement was completely accomplished. The following is the general result. The protestants were previously in possession of about one moiety of all the profitable lands in the island: of the second moiety, which had been forfeited under the commonwealth, something less than two-thirds was by the act confirmed to the protestants; and of the remainder, a portion almost equal in quantity, but not in quality, to one-third, was appropriated to the catholics [64].

[64] From a valuable MS. paper belonging to Sheffield Grace, Esq., and published by him in his interesting Memoirs of the Family of Grace, it appears that the profitable lands forfeited in Ireland under the commonwealth, amounted to 7,708,237 statute acres, leaving undisturbed about 8,500,000 acres belonging to the protestants, the constant good affection men of the Irish, the church, and the crown, besides some lands never seized or surveyed.

In 1675, the forfeited lands had been disposed of as follows:—

GRANTED TO THE ENGLISH.

	St. Acres.
Adventurers	787,326
Soldiers	2,385,915
Forty-nine officers	450,380
Royal Highness Duke of York	169,431
Provisors	477,873
Duke of Ormond and Col. Butler's lands	257,516
Bishops' augmentations	31,596
	4,560,037

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GRANTED OR DISPOSED OF TO THE IRISH.

	St. Acres.
Decrees of innocence	1,176,520
Provisors	491,001
King's letters of restitution	46,398
Nominees in possession	68,360
Transplantation	541,530
	2,323,809

The forty-nine officers are those who claimed arrears for service under the king before 1649. The duke of York received a grant of all the lands held by the regicides, who had been attainted. Provisors, were persons in whose favour provisoes had been made in the acts. Nominees were the catholics named by the king to be restored to their mansion-houses and two thousand acres contiguous. Transplantation refers to the catholics whom Cromwell forced from their own lands, and settled in Connaught.

There remained 824,391 acres still unappropriated, which were parts of towns, or possessed by English or Irish without title; or, on account of some doubts, had never been set out. Mem. 37—39.

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CHAP. II.

CHARLES II.

MARRIAGE OF THE DUKE OF YORK—OF THE KING—SALE OF DUNKIRK—INDULGENCE TO TENDER CONSCIENCES—ACT AGAINST CONVENTICLES—WAR WITH THE UNITED PROVINCES—GREAT NAVAL VICTORY—THE PLAGUE IN LONDON—FIVE-MILE-ACT—OBSTINATE ACTIONS AT SEA—GREAT FIRE OF LONDON—PROCEEDINGS IN PARLIAMENT—INSURRECTION IN SCOTLAND—SECRET TREATY WITH FRANCE—CONFERENCES OPENED AT BREDA—THE DUTCH FLEET IN THE THAMES—PEACE OF BREDA—FALL OF CLARENDON.

CHAP. II. 1660.

National immorality.

AMONG the immediate consequences of the restoration, nothing appeared to the intelligent observer more extraordinary than the almost instantaneous revolution, which it wrought in the moral habits of the people. Under the government of men making profession of godliness, vice had been compelled to wear the exterior garb of virtue; but the moment the restraint was removed, it stalked forth without disguise, and was every where received with welcome. The cavaliers, to celebrate their triumph, abandoned themselves to ebriety and debauchery; and the new

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loyalists, that they might prove the sincerity of their conversion, strove to excel the cavaliers in licentiousness. Charles, who had not forgotten his former reception in Scotland, gladly availed himself of the opportunity to indulge his favourite propensities. That affectation of piety and decorum which had marked the palace of the protector, Oliver, was soon exchanged for a perpetual round of pleasure and revelry; and the court of the English king, if inferior in splendour, did not yield in refinement and voluptuousness, to that of his French contemporary, Louis XIV. Among the females who sought to win his attentions, (and this, we are told, was the ambition of several [1],) the first place, both for beauty and influence, must be allotted to Barbara Villiers, daughter of viscount Grandison, and wife to a gentleman of the name of Palmer. On the very day of the king's arrival in the capital, she established her dominion over his heart, and contrived to retain it for years, in defiance of the inconstancy of his disposition, and the intrigues of her rivals. With her Charles generally spent several hours of the day; and, even when the council had assembled to deliberate in his presence, the truant monarch occasionally preferred to wile away his time in the bewitching company and conversation of his mistress [2].

[1] Reresby, 7.

[2] "He delighted in a bewitching kind of pleasure called saun-
"tering". Sheffield, ii. 78.

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CHAP. II. 1660.

James and Henry, the dukes of York and Glocester, religiously copied the example set them by their sovereign and elder brother. But before the lapse of six months, Henry was borne to the grave[3]; and soon afterwards it began to be whispered at court, that James was married to a woman of far inferior rank, Anne, the daughter of the chancellor Hyde. The duke had become acquainted with her in the court of his sister, the princess of Orange, to whom she was maid of honour. Anne possessed few pretensions to beauty; but wit and manner supplied the place of personal charms[4]: she attracted the notice of the young prince, and had the address to draw from her lover a promise, and afterwards a private contract, of marriage. From the Hague, she followed the royal family to England; and, in a few months her situation induced James to marry her clandestinely, according to the rite of the church of England[5], and to reveal the important secret to the king, whose objections (for he heard it with pain) were soon subdued by the passionate importunity of his brother. To most fathers this alliance would have proved a subject of joy; but

Private marriage of James.

1660. Sep. 13.

1659. Nov. 24.

1660. Sep. 3.

[3] The king mourned in purple. Pep. i. 139.

[4] La duchesse de York est fort laide; la bouche extraordinairement fendue, et les yeux fort éraillez, mais trés courtoise. Journal de Monconis, p. 22. Lyons, 1666. Hamilton says, that she had l'air grand, la taille assez belle, et beaucoup d'esprit. Mém. de Grammont, i. 149, Edition de Cazin. Pepys, that she was a plain woman, like her mother. i. 188.

[5] Kennet's Register, from the council book. 381.

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Hyde, with expressions of anger, the extravagance of which might have provoked a doubt of its reality, affected to deplore the disgrace of the royal family, and advised Charles, after the precedents of former reigns, to send the presumptuous female to the Tower. Unable to persuade the king, who, perhaps, laughed at his officiousness in secret, he confined, in virtue of his parental authority, the undutiful daughter to a room in his own house; while, by the connivance of one of the family, probably the mother, James had free access to the cell of the captive, and sought by his assiduity, to console her for the displeasure, whether it were real or pretended, of her father. Neither had the father much reason to complain. The king made him a present of 20,000*l.*, and raised him, by the title of baron Hindon, to the peerage[6].

CHAP. II. 1660.

The choice of James was severely condemned by his mother, by his eldest sister, and by the political enemies of the chancellor. The princess of Orange, who had recently arrived in England, declared to the king, that she would never yield the precedence to a woman, who had stood as a servant behind her chair. The queen-mother indulged in terms of the bitterest reproach; and hastened her promised visit to her children, that she might prevent so foul a disgrace to the royal

Disapproved by the royal family. Sep. 23.

[6] Clarendon, 31, 32.

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CHAP. II. 1660.

houses of England and France[7]. Charles Berkeley, whether he was influenced by enmity to Hyde, or by the hope of making his fortune, came to their aid, affirming with oaths, that Anne had formerly been his mistress, and bringing forward the earl of Arran, Jermyn, Talbot, and Killigrew, as witnesses of her loose and wanton behaviour. Lastly, divines and lawyers were produced, grave and learned casuists, who maintained in presence of the duke, that no private contract of marriage on his part could be valid without the previous consent of the sovereign. The resolution of James was shaken: he interrupted his visits to Worcester-house, and assured his mother and sister, that he had ceased to look upon Anne as his lawful wife.

Oct. 22. In a few weeks she was delivered of a son. While she lay in the throes of childbirth, her confessor, Dr. Morley, bishop elect of Worcester[8],

[7] She previously intended to come, that she might meet all her children together, and look after her dower. Clar. 32-36. It would appear, that the lands settled on her as her dower, had been in a great measure shared among persons who had a hand in her husband's death. On inquiry, the present holders were found to be Okey, Walton, Scroop, Norton, Pride, Whalley, Edwards, and Tichborne, the king's judges; Dendy, serjeant at arms to the court; Lambert, and Blackwell. Journ. of Com. 1660, June, 23.

[8] Morley tells us, that she was accustomed to receive the sacrament every month, and then proceeds thus: "Always the day "before she received, she made a voluntary confession of what "she thought she had offended God in, either by omission or com-"mission, professing her sorrow for it, and promising amendment "in it; and then kneeling down, she desired and received absolu-"tion in the form and words prescribed by our church." Morley apud Kennet, Register 385.

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standing by the bedside, adjured her in the name of the living God, to speak the truth before the noble ladies, who attended by order from the king. To his questions she replied, that the duke was the father of her child, that they had been contracted to each other before witnesses, and that she had always been faithful to his bed. CHAP. II. 1661.

For some days James had continued silent and melancholy. The birth of the child, and the assertions of the mother, revived his affection; on examination, Berkeley confessed that his charges against her were calumnies, and the duke, ashamed of his credulity, resolved to do her justice. He visited her at her father's house, sent for her accusers, and introduced them to her by the title of duchess of York. They knelt, she gave them her hand to kiss, and, acting up to the instructions of her husband, never afterwards betrayed any hostility against them. One of her enemies, the princess of Orange, died; and the queen-mother, at the request of the French minister Mazarin, who wished to conciliate the chancellor, desisted from her opposition. Anne was received by her at court with a smiling countenance, and the appellation of daughter; and the new duchess supported her rank with as much ease and dignity as if she had never moved in an inferior situation [9]. Publicly acknowledged. Nov. 10. Dec. 24. 1661. Jan. 1.

[9] See Clarendon's very minute and ridiculous account of the whole transaction, 28—40. Pepys, i. 144, 50, 57, 62, 64, 65. Mem. de Gram. i. 233—241.

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CHAP. II. 1661.

This marriage was founded in affection: two others followed, the origin of which is to be sought in the policy of courts. The treaty which Mazarin concluded with Cromwell had taught the French monarch to value the aid of that power by which he had been enabled to conclude with honour and profit the long and expensive war with Spain. Still Spain was a formidable rival: the existing peace was considered by the two cabinets as only a breathing time preparatory to the renewal of hostilities: and Louis, to secure the services of England under the restored dynasty, resolved to cultivate the friendship of the prince whom, to gratify Cromwell, he had formerly excluded from his dominions. To secure this became, during the whole reign of Charles, one great object of French policy; and the first step taken was the proposal, through the queen-mother, of a marriage between Henrietta, the youngest sister of Charles, and Philip, the only brother of Louis. To Henrietta it opened a brilliant and seducing prospect; by the English king it was received with joy and gratitude; and the ceremony was performed with becoming magnificence, soon after the return of the princess with her mother to France[10].

Marriage of the princess Henrietta.

March 31.

Portuguese match proposed.

Charles himself, in 1659, with the hope of re-

[10] These reasons are assigned by Louis himself, as his motive for proposing the marriage. Œuv. i. 61. Charles, by the marriage contract, bound himself to give his sister 40,000 jacobuses, by way of portion, and 20,000 as a present. Dumont. vi. par. ii. p. 354.

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pairing by the assistance of France the loss which his interests had suffered from the defeat of sir George Booth, made the offer of his hand to the niece of the cardinal Mazarin; but that minister, having received an unfavourable account of the royal party in England, modestly declined the honour, as far above the pretensions and the wishes of his family. In a few weeks the tide of popular feeling turned in favour of royalty, and Mazarin sought to renew the negociation; but the king's ardour for the lady had already cooled: to recover his crown, he wanted not the assistance of her uncle; and he was unwilling to bind himself in the trammels of wedlock[11]. After his return, the more sober among his counsellors saw with pain the scandal which he gave by his amours; they repeatedly and earnestly advised him to marry; and at last the example of his brother induced him to think seriously on the subject. But against the royal and princely families in the north of Europe he had, from some cause or other, contracted an invincible antipathy; and to marry a catholic princess from the south was likely to shock the religious prepossessions of the majority of his subjects. From this state of indecision he was drawn by a tempting proposal, made through the Portugese ambassador, at the secret instigation of the French court. During the war between France and Spain, Portugal, with the aid of the

[11] James, Memoirs, i. 395.

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CHAP. II. 1661.

former, had preserved its independence; but, by the treaty of the Pyrenees, Louis had bound himself to leave the house of Braganza and its rebellious adherents to their fate. It was not, however, his intention that Portugal should be again incorporated with Spain, and, aware that the king Alphonso, a weak prince under the guardianship of his mother, could oppose no effectual resistance to his more powerful foe, he suggested to the court of Lisbon a marriage between Donna Caterina, the king's sister, and Charles king of England. It would induce the English monarch to support the pretensions of his wife's family, and would open a new channel, through which France might forward assistance to Portugal without any manifest violation of its friendly relations wtih Spain[12]. The advice was adopted; and Francisco de Mello,

[12] Le premier de soutenir les Portugais que je voyois en danger de succomber bientôt sans cela; le second de me donner plus de moyen de les assister moi-même, si je le jugeois nécessaire, nonobstant le traité des Pyrénées, qui me le defendoit. Louis, Œuvres, i. 62. It is amusing to observe how the royal casuist proceeds to justify this underhand dealing, the sending, under false names, of forces to the aid of a power, which he had bound himself by treaty entirely to desert. He tells us that the experience of centuries had taught the French and Spanish courts to know the real import of the words employed in the treaties between them: that the expressions "perpetual peace" and "sincere amity," &c. were used with as little meaning as compliments in ordinary conversation; and that neither party expected any thing more from the other than to abstain from manifest and public violations of the articles, while each remained at liberty to inflict on his rival, by clandestine and circuitous means, every injury in his power. This necessarily followed from the great principle of self-preservation. Ibid. 63—65.

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the ambassador in London, offered with the princess a dower of 500,000*l.*, the possession of Tangier on the coast of Africa, and of Bombay in the East Indies, and a free trade to Portugal and the Portuguese colonies. Charles consulted Hyde, Ormond, Southampton, and Nicholas; their advice concurred with the royal inclination; and De Mello was given to unerstand that the proposal would be accepted [13]. CHAP. II. 1661.

Opposition of the Spanish ambassador.

The treaty with this minister had not escaped the notice of Vatteville, the Spanish ambassador, who the moment he discovered its real object, represented to the king, that Spain would never forego her claim to the crown of Portugal; that the Donna Caterina was known to be incapable of bearing children; and that a marriage with her would infallibly lead him into a war, and deprive his subjects of the Spanish trade; but that, if he chose to take one of the two princesses of Parma, Philip would give with either the dower of a daughter of Spain. Charles began to waver; he listened to the suggestions of the earl of Bristol, the enemy of the Portuguese match; and that nobleman proceeded by his order on a secret mission to the city of Parma. There he saw the two princesses on their way to church, and nothing more was necessary to hasten his return. One was so plain, the other so corpulent, that he dared not recommend either to the royal choice [14].

[13] Clarendon, 78—81.

[14] Clarendon, 86—89. Clarendon, Pap. Supplem. ii. viii.

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CHAP. II. 1661.

In the meantime Charles had been recalled to his first intention by the remonstrances of his advisers, and the arguments of the French king.

The French king advises it. March.

Bastide, secretary to the late ambassador, Bordeaux, arrived in England with a commission to purchase lead for the royal buildings in France; but, in a private conference with Hyde, he informed that minister that his real object was to propose the means of establishing a private communication between the two kings, to be conducted by the chancellor on one part, and Fouquet on the other, without the knowledge of their colleagues in the cabinet, or of the ordinary ambassadors at either court. Charles eagerly accepted the proposal; and the correspondence was maintained during five months, till the disgrace of Fouquet.

Aug. 26.

During that time Louis continually inculcated the advantages of the Portuguese match, offered Charles a considerable sum of money to purchase votes in the parliament, consented to lend him 50,000*l.* whenever he might want it, and engaged to furnish two millions of livres, in the event of a war between England and Spain [15]. Thus was

[15] Clarendon, 90. Œuvres de Louis XIV. i. 67, and the correspondence itself in the supplement to the third volume of the Clarendon papers, i—xv. Charles acquainted no one but his brother James with the secret. Two others were employed in it: Bastide, as secretary to Fouquet, and lord Cornbury, Clarendon's eldest son, as secretary to his father. Hyde had the prudence or the honesty to refuse an offer of 10,000*l.* from Louis, though both Charles and James laughed at his simplicity, but he afterwards accepted a present of all the books which had been printed at the royal press, in the Louvre. Clar. 92; pap. iii. Supplem. i. xi. xiv.

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laid the foundation of that clandestine and confidential correspondence between Charles and Louis, which, in a short time, rendered the king of England the pensionary, and therefore, in a great measure, the dependent, of his good brother, the king of France. CHAP. II. 1661.

But Vatteville did not long rely on the success of Bristol's mission. The representative of the catholic king undertook to dissuade Charles from marriage with a catholic princess; he proposed to him a daughter of the king of Denmark, or of the elector of Saxony, or of the prince of Orange, and engaged that his master should give with any of them the same portion which had been offered with a princess of Parma. At the same time he sought to form a party in the parliament and the city. He opened his table to the discontented, distributed money to the needy, and scattered in the streets printed copies of his memorials against a catholic, and of his offers in favour of a protestant, match. But these efforts proved fruitless. The amount of the dower, the settlements in the Mediterranean and the East Indies, and the concession of an unrestricted trade to Portugal and its dependencies, presented advantages certain and present; while the dangers predicted on the score of the infanta's religion were at the best distant and uncertain. A full council of eight-and-twenty members had, without a dissentient voice, advised the king to conclude the marriage; the two houses presented to him addresses of ap- Resolved in the council. March 28. May 3. May 2. May 8.

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CHAP. II. 1661. June.

probation; the treaty was signed; and Montague, now earl of Sandwich, received the command of a fleet, with instructions to cruize in the Mediterranean, and, at the appointed time, to bring the Portuguese princess to England [16].

Rencontre between the two ambassadors.

Vatteville bore the disappointment with impatience, and whether he thought to mortify the French court for its interference, or only to gratify the pride of his countrymen, he announced his intention of reviving the ancient quarrel for precedency between the crowns of France and Spain. On the first occasion, the entry of Carara, the Venetian ambassador, Charles prevailed both on Vatteville and on D'Estrades, the representative of Louis, to take no part in the ceremony: but the latter was reproved for his condescension by his court; each prepared to assert his claim on the next opportunity, the expected entry of Brahé, the Swedish ambassador, and the king, unable to restrain these champions of vanity, forbad his subjects by proclamation to interfere in the contest. D'Estrades summoned every Frenchman in London, on his allegiance, to support the honour of his sovereign; he sent for reinforcements to Boulogne of which he was governor, and introduced into his house in disguise several of the officers and troopers belonging to that garrison. Vatteville, who could not muster so formid-

July 20.

[16] Clarendon, 89. Papers, iii. Sup. ii. v. vi. vii. L. Journ. xi. 241, 4, 252. Kennet. Reg. 131.

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able a force [17], sought to compensate by art for inferiority of number, ordering the traces of his carriage to be made of chains of iron covered with leather, and allotting to each of his followers his particular station and employment. The Tower wharf was selected for the field of battle; at noon arrived the carriage of the Spanish ambassador with about forty servants in liveries; and about two, that of the French ambassador, attended by one hundred persons on foot, and about forty on horseback, armed with pistols, or musquetoons and carbines. At three Brahé landed at the stairs; and the moment he departed in one of the royal carriages, those of the two ambassadors started for the place of honour. The opposite parties charged each other; the shouts of the crowd animated the combatants; blood began to flow, and more than fifty persons were killed or wounded in this extraordinary fray. The victory remained with the Spaniards. The French coachman fell from his seat; the horses were disabled, and the traces cut. Vatteville's carriage instantly took the place of honour; its attendants, though repeatedly charged, gallantly repulsed the assailants; and the conquerors, as they passed through the streets, were loudly cheered by the populace and the soldiery [18]. Louis received the news with

CHAP. II. 1661. Sep. 30.

[17] D'Estrades assured his master that the Spaniards were aided by several thousand Englishmen. He can only mean that they encouraged the Spaniards by their shouts.

[18] "It is strange to see how all the city did rejoice. And, in-"deed, we do all naturally love the Spanish, and hate the French."

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CHAP. II. 1661.

feelings of grief and indignation, not that he lamented the fate of those whose lives had been so wantonly sacrificed, but that he deemed his reputation lowered in the opinion of other powers, because the representative of a rival crown had gained the superiority in a senseless and disgraceful quarrel. Without a moment's hesitation he sent Fuensaldagna, the Spanish minister, out of his dominions, demanded ample reparation from the court of Madrid, and refused to listen to any accommodation, till Philip had expressed his sorrow at so untoward an occurrence, recalled his pugnacious representative from London, and promised that his ambassadors should always absent themselves from ceremonies, in which there might be danger of their coming into competition with those of the French crown [19].

Arrival of the princess.

In the meanwhile, the earl of Sandwich with

Pepys, i. 223. I have taken the particulars of this fray from Evelyn's official account, ii. 458. Pepys, i. 2—214. Clarendon Papers, iii. Suppl. xvii. Rugge's MS. 297, and Louis XIV. i. 118.

[19] Œuvres de Louis, i. 125, 131. Dumont, vi. part. ii. p. 403, 4. Para se abstengan y no concurran con les embaxadores y ministros de V. Majestad en todas las funciones y ceremonias publicas. Dumont, ibid. This voluntary absence was explained by Louis to be an acknowledgment of his superior rank; and it is amusing to observe how vain he was of it. Je ne scais, si depuis le commencement de la monarchie il s'est rien passé de plus glorieux pour elle... c'est une espèce de hommage, qui ne laisse plus doubter à nos ennemis même, que notre couronne ne soit la premiere de toute la chretienté... C'etoit un malheur que ce tumulte de Londres; ce seroit maintenant un malheur qu'il ne fut pas arrivé. i. 132, 136.

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the English fleet, having swept the Mediterranean of the Turkish corsairs, and made a bold, but fruitless attempt on the shipping behind the mole at Algiers, received from the Portuguese possession of Tangier, part of the marriage portion of the infanta. The return of spring summoned him to Lisbon, and Donna Caterina, bidding adieu to her relatives and native land, embarked on board his ship, the destined bride of the English monarch[20]. CHAP. II. 1661. July 31. 1662. Jan. 30. April 13.

To Mrs. Palmer the approaching marriage was a subject of anxiety and distrust. Charles, that he might pacify the temper of his imperious mistress, redoubled his attentions. He generally dined and supped at her house; he made her the most costly presents; he created her husband, against his will, earl of Castlemain in Ireland, with remainder to the issue male of the body of his wife, the lady Barbara, and he solemnly promised, that, instead of banishing her from court, he would appoint her lady of the bedchamber to the new queen. The birth of a son at Hampton-court confirmed her influence over her lover[21].

On the arrival of the fleet at Spithead, Charles quitted the house of Castlemain to meet the infanta. In point of personal attractions and fashionable acquirements, she could not stand the competition with her dazzling and formidable King's behaviour to her. May 20.

[20] Kennet's Register, 512—617, 652. Clarendon, 165.
[21] Pepys, i. 235, 245, 264, 267.

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CHAP. II. 1661.

rival: yet she was not without claims to beauty; her good nature and good sense gave a charm to her conversation, and the more she was known, the more she displayed the amiable qualities of her heart. The king was gratified beyond his expectations; he thought himself fortunate in the acquisition of such a wife, and so little did he know of his own heart, that he boasted to his friends of the pattern of conjugal fidelity which he should thenceforth set to his court[22]. The royal pair came by easy journeys to Hampton-court, and lived for a few days in the most edifying harmony. But it was not the intention of Charles to estrange himself from the company of Castlemain, nor had he forgotten the imprudent promise which had been wrung from him by her tears. One day, taking "the lady" (such was her usual designation) by the hand, he presented her to the queen in the midst of a brilliant court. Catherine was able to subdue her feelings for the

[22] If Hume talk of "the homely person" of Catherine, others who knew her better, describe her differently. Clarendon, Contin. 167. Clar. Pap. iii. Supplem. xx. Charles himself, in a letter to the chancellor, speaks of her thus: "Her face is not so exact "as to be called a beauty, though her eyes are excellent good, and "not any thing on her face that in the least degree can shoque "one. On the contrary, she has as much agreeableness in her "looks altogether, as ever I saw; and, if I have any skill in "physiognomy, which I think I have, she must be as good a "woman as ever was born. Her conversation, as much as I can "perceive, is very good; for she has wit enough, and a most "agreeable voice. You would much wonder to see how well we "are acquainted already. In a word, I think myself very happy." Macpherson Papers, i. 22, note.

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moment. She gave to her rival a most gracious reception: but in a few minutes her eyes were suffused with tears; the blood gushed from her nose: and she was conveyed in a fit to her apartment[23]. By the king, this incident was considered a most heinous offence. He declared that he would never submit to the whims of his wife: he had been the cause of Castlemain's disgrace; he was bound in honour to make her reparation. His dissolute companions applauded his firmness: Ormond and Clarendon ventured to remonstrate against the indecency and cruelty of the appointment. To their surprise, he replied, that whoever should oppose his design, would become the object of his everlasting displeasure, and that they, if they wished to please him, should employ their influence to overcome the obstinacy of the queen[24]. Clarendon had the meanness to undertake an office which he abhorred; but Catherine refused to listen to his advice. Charles at the same time subjected her to the most painful mortifications. The Portuguese ambassador was insulted on her account; her countrywomen were sent back to Portugal; Castlemain was daily introduced into her apartment, where the mistress received the attentions of the king and the courtiers, while the queen sate alone, silent and unnoticed. For several weeks she maintained the unequal contest: at last

CHAP. II. 1661.

[23] Clarendon, 168.

[24] See the letter of Charles, note (A).

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CHAP. II. 1661.

her resolution failed: she consented to accept the services of her rival, and even treated her with kindness in private as well as public. But it was now too late: Charles applauded himself for his victory over what he called her wayward and wilful temper; and those who had before admired her constancy, pronounced her a weak and mutable woman[25]. The empire of Castlemain was established. She waited, indeed, (for such was the will of the king,) on Catherine; to the scandal of all good protestants, she even attended her to mass; but, on other occasions, the mistress proved the centre of attraction; the king was always to be found at her suppers and entertainments; officers were placed and displaced at her suggestion; and she at last obtained the higher rank of duchess of Cleveland for herself, with remainder to Charles and George Fitzroy, her children by the king. Catherine, on the contrary, abstained from all political intrigue; and, notwithstanding the prejudice against her religion, by her continual study to please her husband, the meekness with which she bore her wrongs, and the dignity and grace with which she performed the duties of her station, grew daily in the esteem of the public. Charles himself condemned, though he did not reform, his conduct, and, on occasion of her sickness, displayed all the anxiety and grief of the most

[25] Clar. 169—180.

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affectionate husband. The physicians had despaired of her life; and when she prayed him to allow her body to be interred with the remains of her fathers, and to protect her native country from the tyranny of Spain, he fell on his knees, and bathed her hands with his tears. Yet from this affecting scene he repaired immediately to the house of Castlemain, and sought amusement in the conversation of a new mistress, la Belle Stuart, the daughter of Walter, son of lord Blantyre[26]. Catherine, however, recovered, and the king pursued his wonted course of dissipation and gallantry. CHAP. II. 1661. Oct. 2.

With the infanta, Charles had received in money and merchandize a portion of 350,000*l*. This sum afforded a temporary relief to the needy monarch; but the expenses of the armament under lord Inchiquin for the protection of Portugal, and of the expedition destined to take possession of Bombay, soon involved him in fresh pecuniary embarrassments. The chancellor, to whose negligence he imputed the insufficient provision made for him by the convention parliament, saw that, to prop up his declining credit, it was necessary to discover some new resource; and he suggested to Charles and the duke of York, the sale of Sale of Dunkirk.

[26] Lettres du comte de Comminges, Pepys, v. App. 455, 456. He was sure to find Stewart at Castlemain's, for "il menaça la "dame, ou il soupe tous les soirs, de ne mettre jamais le pied "chez elle, si la demoiselle n'y étoit." 455. See also the Diary of Pepys himself, ii. 41, 50, 61, 103, 5, 6, 116, 143, 355.

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CHAP. II. 1662.

Dunkirk to the French king. A few weeks only had elapsed since he had described in strong colours the advantages which the nation derived from the possession of that sea port: Charles, however, assented to the proposal; Bellings was secretly despatched to Paris; and D'Estrades, who had been appointed ambassador to Holland, came to England, at the invitation of the king, but under pretence of private business, in his way to the Hague. Clarendon's first attempt was to shift the responsibility of the measure from himself to the council; and with that view Charles mentioned it at his house before the duke, the treasurer, the lord-general, and the earl of Sandwich, who, though they acknowledged that the charge of the place, amounting to the annual sum of 120,000*l.* exceeded its real value, were still unwilling to part with it, unless at a price which might justify the sale in the eyes of the public.

May 19. June 29.

Aug. 7.

The negociation now began. Clarendon asked twelve, D'Estrades offered two millions of livres; but the first descended by degrees to seven, the other rose to four, and the bargain was at last concluded for five millions. Here, however, a new difficulty arose. Charles required to be paid in ready money; Louis would only advance two millions at once, and pay the remaining three by instalment, in the course of two years. Both were inflexible; and D'Estrades had sent his servants on board a vessel preparatory to his departure, when an expedient was proposed and ac-

Sep. 11.

Sep. 15.

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cepted, that Louis should give bills for the remainder, payable at different dates, which Charles might sell at the highest price which he could procure. The treaty was now signed; and the conditions on both sides were faithfully executed [27]. But the French king proved too adroit for his English brother. A banker from Paris arrived in London, and, after a short negociation, discounted the bills at something more than sixteen per cent. But the man was in reality a secret agent of the French cabinet; the money which he paid was supplied by the French treasury; and Louis, by this artifice, was enabled to buy up his own securities at a profit of five hundred thousand livres [28].

CHAP. II. 1662. Oct. 17.

Though Charles and his minister congratulated themselves on their success, they afterwards looked back on it with feelings of regret. The sale of Dunkirk had no small influence on the subsequent fortune of each. The possession of it had flattered the national pride: it was a compensation for the loss of Calais; it might equally

[27] Clarendon, in the continuation of his own life, has given a detailed account of this transaction, written evidently for the purpose of exculpating himself: but his narrative is perpetually belied by the original documents in the "Lettres d'Estrades, 279, "282, 283, 421, &c. in the supplement to the third volume of the "Clarendon Papers, xxi.—xxv., in Combe's Sale of Dunkirk, "London, 1728, and Pepys, ii. 369."

[28] Je gagnai sur ce marché cinq cent mille livres, sans que les Anglois s'en apperçussent.... le banquier étoit un homme interposé par moi, qui faisant le paiement de mes propres deniers, ne profitoit point de la remise. Œuvres de Louis XIV. i. 176.

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CHAP. II. 1662.

open a way into the territory of England's most ancient and natural enemy. But Charles had sold it, not, it was said, to defray the expences of the state, but to satisfy the rapacity of his mistresses, and to indulge in his wonted extravagance; and Clarendon had advised the sale, not through any wish to gratify his sovereign, but in consequence of an enormous bribe from the king of France. This charge was undoubtedly false; but the magnificent pile which he built for the residence of his family, was taken as a proof of his guilt, and the name of Dunkirk-house, which it soon obtained, served to confirm and perpetuate the belief of the people[29]. The public discontent began to be openly expressed; Charles saw a formidable party growing up against him; and Clarendon, after a protracted struggle, submitted to his fate, and fled to the continent[30].

Disputes respecting toleration.

We may now proceed to an important and perplexing question, on which it was impossible for the king to decide, without giving offence to a considerable portion of his subjects—the indulgence to tender consciences, which he had promised in the declaration from Breda. Two years had been suffered to elapse, and yet he had done nothing to fulfil, but much that seemed to violate his word. The advocates of intolerance main-

[29] Pepys, ii. 250.

[30] It is singular, that though Clarendon had spent so many years in exile, he employed Bellings, throughout the negotiation, as interpreter between him and D'Estrades.

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tained that he was no longer bound by the declaration. To whom, they asked, had it been made? To the parliament then sitting? But that parliament had released him from all responsibility, by neglecting to remind him of the subject. To the people at large? But the people had transferred their rights to their representatives in the succeeding parliament, and those representatives had set the question at rest by enactments incompatible with such indulgence[31]. This sophistry, however, did not satisfy the royal mind. Charles thought himself bound in honour to redeem his pledge; and, anxious as he was to replace the church on its former foundation, he still deprecated every measure which savoured of hardship or persecution against those who dissented from it. At the request of the presbyterians, whose deputies were introduced to him by the lord-general, he promised to suspend the execution of the act of uniformity for three months, provided they would consent to read the book of common prayer during that period. Clarendon, though he disapproved of the promise, thought that, since it had been made, it ought also to be observed; but the bishops and their friends pronounced it dangerous; the judges illegal; and all agreed that, in defiance of the royal prohibition, the patrons of benefices held by non-con-

[31] Kennet's Reg. 850. Address of Commons, Journals, Feb. 27, 1663.

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CHAP. II. 1662.

formists would present on the appointed day, and that their presentations would be allowed by the courts of law. With feelings of shame the king recalled his word: the act came into force on the 24th of August, and two thousand ministers (the number is perhaps exaggerated,) resigned, or were deprived. The whole kingdom resounded with apologies on the one side, and complaints on the other. It was said that those who would not comply with the regulations, ought not to partake of the good things of the church; that the nonconformists were previously intruders; and that they suffered no more than they originally inflicted. It was replied, that the established clergy were ejected during the rage of civil war, the ministers in a season of domestic tranquillity: the former incumbents, by their hostility, provoked the resentment of the ruling power; the present by their services in the restoration deserved its gratitude: the crime of the first was their political conduct; of the latter adhesion to the dictates of conscience: then a pittance, at least one-fifth of the income, was reserved for the family of the sufferer; now he was turned adrift, with no other resource but the casual benevolence of the pious and the humane [32].

Aug. 24.

Declaration of indulgence.

The king, though he had been compelled to yield, yet held himself bound by his promise; and this feeling was kept alive by repeated petitions

[32] Clarendon, 156—160. Kennet, 747.

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from the presbyterians, the independents, and the Roman catholics, who all claimed the benefit of the declaration from Breda[33]. The question was again referred to the council; the leading members argued against indulgence; Robartes, lord privy seal, and Bennet, the new secretary of state, in its favour. The sovereign, they contended, possessed in virtue of his supremacy, the right of suspending penal laws in matters of religion; James and Charles had raised a yearly revenue by the sale of such protections; and the king might lawfully exercise a power which had never been denied in his father or grandfather. The suggestion was approved; and notice of the royal intention was given in the declaration which he published for the purpose of refuting "the four scandals cast on the government". 1°. The republicans feared, and the discontented maintained, that the act of indemnity had been passed merely as a temporary measure, and that it was still intended to sacrifice, to the revenge and rapacity of the royalists, the lives and fortunes of those who had served the protector or the commonwealth. To this "scandal" the king replied by promising that, as he had freely confirmed, so he would most

Dec. 6.

[33] Both independents and presbyterians were true to their principles. The independents sought to obtain indulgence for all, catholics as well as others: the presbyterians could not in conscience concur in favour of the catholics, though they would not oppose them. The king might do as he pleased, but they would not advise him, or encourage him to do it. Baxter's Life, part ii. p. 429.

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CHAP. II. 1662.

religiously observe, every provision in the act. 2°. The successive revolutions of the last twenty years had taught men to doubt the stability even of the present government. It was the conviction of the royal brothers that, if at the commencement of the civil war, their father had possessed a small regular force, he might at once have put down his opponents; and under this notion, when the army was disbanded, they retained in pay two or three regiments, with three troops of horse guards. The whole establishment did not amount to five thousand men[34]. Yet this force, small as it was, excited alarm. It might be augmented, and employed not to suppress insurrection, but to subvert the national liberties. Most of the nations on the continent had been originally free: it was by the institution of standing armies that they had been enslaved by despotic monarchs. Charles defended his conduct on the ground of necessity. While so many factious spirits were employed in agitating the public mind, neither the person of the sovereign nor the freedom of the parliament,

[34] July 4, 1663. "I saw his majesty's guards, being of horse "and foot 4000, led by the general the duke of Albermarle, in "extraordinary equipage and gallantry, consisting of gentlemen "of quality and veteran soldiers, excellently clad, mounted and "ordered, drawn up in battalia before their majties in Hide-"park, where the old earle of Cleveland trail'd a pike, and led the "right-hand file in a foote company, commanded by the lord "Wentworth his son, a worthy spectacle and example, being both "of them old and valiant soldiers". Evelyn, ii. 202. See also the Travels of Cosmo, iii. 306.

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could be secure without an armed force. Of this proof had been furnished by the insurrection under Venner. But let the laws resume their former empire, let the discontented abandon their rebellious designs, and he would reduce that force to the smallest number consistent with the dignity of the crown; for he would not yield to the most liberal among his subjects in his detestation of military and arbitrary rule. 3°. By many it was said that the act of uniformity proved him to be a faithless unprincipled persecutor. He denied the charge. He had, in the first place, as in duty bound, provided by the act of uniformity for the settlement of the church; it was his intention, in the next place, to fulfil his promise of securing ease to those who, through the scruples of a misguided conscience, refused to conform. For this purpose, he would make it his special care to solicit from parliament an act enabling him "to "exercise with more universal satisfaction that "power of dispensing, which he conceived to "be inherent in the crown." Nor did he doubt of the concurrence of the two houses. It was a measure to which he was pledged by his declaration from Breda, and without which it was unreasonable to expect the restoration of public tranquillity. 4°. But the most pernicious scandal remained, that the king was a favourer of popery. This was the artifice by which so many well-meaning protestants had been seduced to bear arms against his father, and his enemies

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CHAP. II. 1662.

had recourse to it at the present time with intentions equally disloyal. Of his firm adhesion to the true protestant religion he had given convincing proofs under the most trying circumstances. Yet he could not but know that the greater part of the English catholics had adhered, at the risk of their lives and fortunes, to the cause of the crown, and consequently of the church, against those, who under the name of protestants, employed fire and sword for the subversion of both; and therefore he openly avowed that he did not mean to exclude catholics from some share of that indulgence which he had promised to tender consciences. It would be unjust to refuse to those who had deserved well, the boon which was granted to those who had not; and the laws against catholics were so rigorous, so sanguinary, that to execute them would be to do violence to his nature. Let them not, however, presume so much on his goodness, as to look for toleration, or to scandalize protestants by the open practice of their worship; otherwise they would find that he knew as well how to be severe when wisdom required it, as indulgent when charity and a sense of merit claimed indulgence from him [35].

Disapproved by both houses.

But these were doctrines ill-adapted to the intolerant notions of the age. The declaration, instead of making proselytes, was received by the majority of the people with distrust of the

[35] See the Declaration in Kennet, Regist. 848—91.

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motives, and a resolution of withstanding the wishes, of the king. They could not comprehend how an attachment to the interests of protestantism could exist with a willingness to grant any portion of indulgence to catholics: they recalled to mind the former reports of the king's apostacy, which had been circulated by the policy of his enemies during the commonwealth, and they openly asserted that he cared little for the sufferings of the dissenters, but merely sought, under the pretence of relieving them, to extend the same benefit to the papists. Charles, at the opening of the next session, condescended to vindicate himself from these aspersions, and, in proof of his own orthodoxy, demanded the enactment of new laws to check the progress of popery But with respect to the dissenters, he represented it desirable that the crown were vested with the power of extending indulgence to the peaceable among them, in circumstances when they might otherwise be tempted to expatriate themselves, or to conspire against the state. In accordance with the sentiments of the sovereign, the lord privy seal, aided by lord Ashley, brought into the upper house a bill enabling the king to dispense at his discretion with the laws and statutes, requiring oaths, or subscriptions, or obedience to the doctrine and discipline of the established church. Both houses were immediately in a flame. The lower, though the bill was not before it, presented to the king an address, in which, having thanked

CHAP. II. 1663.

Feb. 18.

Feb. 23.

Feb. 27.

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CHAP. II. 1663.

him for the other parts of the declaration, they contended that the indulgence which was sought, would amount to the legal establishment of schism, would expose his majesty to the ceaseless importunities of the dissenters, would lead to the multiplication of sects and sectaries, and, ending in universal toleration, would produce disturbance instead of tranquillity, because men of every religious persuasion form a distinct party, pursuing their peculiar interests, and acting in accordance with their peculiar prepossessions. In the higher house, the lord-treasurer placed himself at the head of the opposition: during the first day's debate he was zealously supported by the bishops: on the second day the chancellor, though confined by a severe fit of the gout, left his room to lend his powerful aid to the cause of the church, and, in the vehemence of his zeal, indulged in a severity of language highly offensive to the sovereign. Their efforts succeeded; the house passed to a different subject; and the bill was suffered to remain unnoticed on the table [36]. Though Charles appeared to bear with composure the loss of this his favourite measure, he felt the disappointment keenly; and expressed his opinion to Clarendon with a warmth which surprised and terrified the minister. From that day it became manifest that neither Clarendon nor Southampton possessed his former credit with the sovereign. As to the

March 5.

March 12.

[36] C. Journals, Feb. 27, 28. L. Journ. xi. 478, 82, 6, 91.

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bishops, Charles hesitated not to charge them with ingratitude and bigotry. It was, he said, to his promise from Breda that they owed their restoration to power, and now they employed that power to prevent him from fulfilling his promise. It was, the intolerance of the prelates under his father which led to the destruction of prelacy, and now, as soon as they were replaced in their former situation, they reverted to the practice of intolerance. His carriage altered with his sentiments. Hitherto he had been accustomed to receive and treat them with the most marked respect. But henceforth he was careful to show by his manner that he held them in no esteem; and the courtiers, aware of the change in the royal mind, turned their persons and their sermons into subjects of sarcasm and ridicule [37]. CHAP. II. 1663.

The king was, however, doomed to drink more deeply of the cup of mortification. He had asked permission to shelter the catholics, who had served the royal cause, from the extreme severity of the penal statutes, and in return both houses presented to him an address for a proclamation ordering all catholic priests to quit the kingdom, under the penalty of death. After a faint struggle he acquiesced. The champions of orthodoxy followed up their success; and, affecting to comply with the royal recommendation, introduced a bill to check the growth of popery, but coupled with it March 31. April 2. April 27.

[37] Clarendon, 243—9. Life of James, i. 428.

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CHAP. II. 1664.

another to arrest the diffusion of non-conformity. Both passed with rapidity through the house of commons; but in the house of lords their progress was continually impeded by the objections of the presbyterian and catholic peers; and their patrons, at the close of the session, substituted in their place an address to the king, to put in execution all the penal laws against catholics, dissenters and sectaries of every description [38].

July 25.

Conventicle act.

In the summer, the cause of intolerance acquired additional strength from a partial rising of enthusiasts in the northern counties. The government had been apprized of their intentions: the duke of Buckingham, in quality of the king's lieutenant, proceeded with a detachment of guards to York, and summoned the militia; and about fifty persons were arrested in Yorkshire and Westmoreland, of whom several paid the forfeit of their folly with their lives. From their situation in life it was plain that they acted under the secret guidance of others. Some professed the doctrines of the fifth-monarchy men: others justified themselves on the plea that the parliament had sitten more than three years, and that by the triennial act, passed in the 16th of Charles I., in default of writs issued by the king, they were permitted to assemble of themselves for the choice of new members. When Charles opened the next session he embraced the opportunity to sug-

Oct.

1664. March 16.

[38] L. Journ. xi. 558, 578. C. Journ. Ap. 27; May 30.

gest the repeal of an act which thus furnished a plea for seditious meetings, while the patrons of intolerance drew from the insurrection a new argument in favour of additional severities for the suppression of religious dissent. A compromise took place. It was indeed, enacted that parliament should never be discontinued for more than three years; but, to satisfy the king, all the compulsory clauses of the triennial act, which directed the keeper of the great seal to issue writs, and the sheriffs to hold elections, in defiance of the royal pleasure, were repealed; and, on the other hand, Charles reluctantly gave his consent to the conventicle act, which, it was hoped, would extinguish every form of heterodox worship. All meetings of more than five individuals, besides those of the family, for any religious purpose not according to the Book of Common Prayer, were declared seditious and unlawful conventicles: and it was enacted that the punishment of attendance at such meeting by any person above sixteen years of age should be, for the first offence, a fine of five pounds, or imprisonment during three months; for the second, a fine of ten pounds, or imprisonment during six months; for the third, a fine of one hundred pounds, or transportation for seven years; and that, if the conscience of the offender led him to transgress the law more than thrice, the fine at each repetition of the offence should be augmented by the additional sum of one hundred

CHAP. II. 1664.

April 5.

May 16.

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CHAP. II. 1664.

pounds[39]. This act, so intolerant in its principle, and so penal in its consequences, was immediately enforced: it equally affected catholics and every denomination of dissenters; but it was felt the most severely by the quakers, because, while others, when they met for the purpose of worship, sought to elude detection, these religionists, under the guidance, as they thought, of the Spirit of God, deemed it their duty to assemble openly, and to set at defiance the law of man. To describe the numerous and vexatious informations, prosecutions, fines and imprisonments which followed, would only fatigue the patience and pain the feelings of the reader. I may, however, observe that the world had seldom witnessed a more flagrant violation of a most solemn engagement. Toleration had been offered and was accepted, the king had been restored, and the

[39] Miscel. Aul. 316, 19, 30. L. Journ. 620. C. Journ. Ap. 28; May 12, 14, 16. St. 16. Car. 11, c. i. 4. Pepys, ii. 172. The conventicle act was limited as an experiment, to the duration of three years. Of the tricks sometimes employed in parliament at these periods the reader may form some notion from the following instances: on the last day of the preceding session a bill for the better observance of the sabbath was stolen off the table, and when the king came to give the royal assent, was not to be found. Of course it did not pass into an act. In like manner, on the last day of the present session, a proviso to the conventicle act respecting the quakers was also stolen: bnt the former accident had awakened the vigilance of the clerk, and he discovered the theft in time to provide another copy of the proviso, and to have it passed through both houses before the king's arrival. L. Journ. xi. 577, 619, 20.

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church re-established; and now, that the price was paid, the benefit was withheld; and, instead of the indulgence promised in the contract, was substituted a system of penalties and persecution. The blame, however, ought not to rest with the king. He did his best to fulfil his word. But the benevolent intentions of the monarch were opposed by the most powerful of his ministers; and the bigotry of these ministers was sanctioned by the prejudices and resentments of the parliament. CHAP. II. 1664.

Charles had now reigned four years, respected and courted by his neighbours: in an evil hour he was persuaded, against his better judgment, to unsheath the sword, and to encounter the uncertain chances of war. He had formed a correct notion of the importance of commerce to the interests of his kingdom, and was encouraged and seconded by his brother James, in his attempts to improve and extend the foreign trade of the English merchants. With this view, the African company had been established by charter; the duke accepted the office of governor; and the committee of management, of which he was chairman, constantly met in his apartments at Whitehall. The company flourished; they imported gold dust from the coast of Guinea, and supplied, at a great profit, the West India planters with slaves; but they met with formidable rivals in the Dutch traders, who, during the civil war, had erected several forts along the coast of

Complaints against the Dutch.

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CHAP. II. 1664.

Africa, and now employed their superior power and influence to thwart the efforts, and arrest the progress of the English intruders. The African company complained; their complaints were echoed by the East India company, whose commerce was exposed to similar impediments and injuries; and the merchants in the city called aloud for war, to protect their interests, and curb the insolence of the Hollanders. James advocated their cause with his brother. Such, he maintained, was the commercial rivalry between the two nations, that in the course of a few years war would inevitably ensue. But then it would be too late. Now was the proper time, before the race of naval commanders, formed during the commonwealth, should become extinct. But Charles (and he was supported by Clarendon) rejected the advice. He had learned wisdom from the history of his father and his grandfather. They had been driven into war by the clamour of the nation; and the charges of war, in a short time, rendered them dependent on the will of the popular leaders in parliament [40].

Contrast between the king and his brother.

There was at this time a marked contrast between the characters of the royal brothers. Charles, though oppressed with debt, scattered his money heedlessly and profusely; James was careful to measure his expenses by the amount of his income. The king seemed to make gallantry

[40] Clarendon, 196—201. Pepys, ii. 173.

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the chief occupation of life; the duke to look upon it as an amusement; and, while the one daily spent his time, "sauntering" in the company of his mistresses, the other attended to his duties in the admiralty with the exactitude of the meanest clerk on the establishment. In point of abilities, Charles was considered superior; but he wanted strength of mind to refuse an importunate suitor, or to resist the raillery and sarcasm of those whom he made his companions. James, with a judgment less correct, and with knowledge less extensive, formed his resolutions with slowness, but adhered to them with obstinacy. His word was esteemed sacred; his friends relied with confidence on his support, whatever sacrifice it might cost him; and his enemies knew that, till he had brought them on their knees, he would never forgive their offences. Yet no diversity of temper or opinion could diminish the affection of the two brothers. James was the most dutiful of subjects; and, however he might disapprove the judgment, he always concurred in seconding the will, of the sovereign. He was easy of access, and affable in discourse; but his constant attention to preserve the dignity of his rank, gave to his manner a stateliness and distance repulsive of that freedom and familiarity which the laughter-loving king indulged in the associates of his pleasures. In private life the duke was loved by few, but feared or respected by all: in public, his industry was the theme of com-

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CHAP. II. 1664.

mendation; and the fame which he had acquired in the French army, was taken as an earnest of his future military prowess [41].

Address of the two houses. March 21.

On the last meeting of parliament, the complaints of the merchants were heard before a committee of the lower house. They contended that the treaty concluded by the Dutch with Cromwell, and since renewed by them with the king, was not yet executed; that the injuries sustained by the English traders had not been redressed, nor the island of Pulo Ron restored; that English ships were still seized and condemned under frivolous pretences; that the natives of Africa and the Indies were frequently induced by promises and bribes to demolish the English factories; that the Dutch, by proclaiming fictitious wars, and establishing pretended blockades, assumed the right of excluding their rivals from the most frequented ports, and the most valuable sources of profit; and that the losses of the English merchants amounted, on a moderate calculation, to the enormous sum of seven or eight hundred thousand pounds [42]. The committee decided in favour of the complainants; Clifford, the chairman, supported their cause with considerable warmth, and Downing added the weight of his authority, derived from the office

[41] Sheffield, duke of Buckingham, ii. 78. Mem. de Grammont, i. 141. Burnet, i. 287. Pepys, ii. 143, 188.

[42] L. Journ. xi. 599, 620, 626.

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which he held as English resident at the Hague, both for the protector and the king. He was a bold, rapacious, and unprincipled man, who under Cromwell had extorted by menaces considerable sums, in the form of presents, from the Dutch merchants, and who now, by the violence of his speeches in parliament, and afterwards by the haughtiness of his carriage to the States, provoked a suspicion that he looked forward to a similar termination of the existing quarrel. The commons voted an address, in which they petitioned the king to take an effectual course for the speedy redress of these injuries, with a promise to stand by him, with their lives and fortunes, against all opposition: the lords concurred; and Charles replied, that he would demand justice by his ambassador, and, in case of denial, would rely on the offer which they had made him. Still, to dispassionate observers, it appeared that, with a little conciliation on either part, the quarrel might be amicably adjusted. But Charles no longer listened to the suggestions of prudence: he found that by acceding to the popular wish, he might gratify his personal resentments against the Louvestein faction, which had long ruled the destinies of the republic. That faction had heaped indignities on him during his exile, had stripped the house of Orange, of which his nephew was the head, of its ancient dignities, and what was perhaps a more unpardonable offence, had suffered caricatures to be published in ridicule of his

April 21.

April 29.

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CHAP. II. 1664.

apathy, his amours, and his indigence[43]. On the other hand, De Witt, who was acknowledged as the Louvestein leader, felt no disposition to make any concession to the menaces of a rival nation. He was resolved to maintain the commercial superiority of his countrymen; he considered the Dutch navy as a match for that of England, and, by a defensive alliance, he had already secured the assistance of France. By some it was thought that the obstinacy of the States had been supported by the intrigues of Louis. But the contrary was the fact. For it suited not the interests of that prince to provoke or foment a quarrel, which must involve him in a war with England, at a time when he meditated hostilities against Spain[44].

Hostilities commenced.

In the mean while the African company had despatched sir Robert Holmes, with a few small ships of war, to recover the castle of Cape Corse, of which they had been dispossessed by their rivals. In searching a Dutch vessel, he discovered certain documents respecting Valkenberg, the Dutch governor, and the hostile tenor of these papers induced him to exceed his own commission, and to assume offensive operations[45]. He compelled the

1664. Feb.

[43] Pepys, ii. 125.

[44] L. Journ. 600, 3. Com. Journ. Ap. 21, 29. Temple, i. 305, 7. Louis ii. 5. De Clerc, ii. 62. Basnage, 711.

[45] The king of Fantine had been supplied with money and ammunition to induce him to attack the English fort at Cormantine. The Dutch denied the charge, but Charles replied, "that he has as full evidence of it, as he can have that there is "such a fort". L. Journ. xi. 627.

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forts on Goree to surrender, reduced the castle of Cape Corse, destroyed several factories on the coast, and then stretched across the Atlantic to the settlement of New Amsterdam, originally an English colony, and lately recovered by sir Richard Nicholas, who, in honour of the duke, his patron, had given to it the name of New York [46]. On the first intelligence of these proceedings, the Dutch ambassador presented an energetic remonstrance to the king, who replied, that the expedition had been sent out by the private authority of the company, that Holmes should be put on his trial at his return, and that strict justice should be measured out to all the parties concerned [47]. With this assurance the States-general were satisfied; but De Witt refused to sit down tamely under the affront. By his intrigues with the States of Holland, he procured an order, loosely and ambiguously worded, to pass through the States-general, July 31. and this, with a secret explanation, was forwarded to De Ruyter, the commander of the Dutch squadron in the Mediterranean. He had been sent there to cruize against the Turkish corsairs, in company with Lawson, the English admiral; but now, pretending that he had orders to destroy a

CHAP. II. 1664.

[46] Charles granted this tract of land to his brother, 12th March, 1664. Sir Richard Nicholas was groom of the bed-chamber to the duke of York. Life of James, i. 400. Dalrymple, ii. App. 27. By mistake he has printed the letter with the date of 1669.

[47] Holmes, on his return, was committed to the Tower, but cleared himself to the satisfaction of the king. Heath, Contin. 532. Pepys, ii. 235.

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CHAP. II. 1664. squadron of pirates at the Canaries, he separated from his allies, retaliated on the English, along the coast of Africa, the injuries which they had inflicted on his countrymen, and, crossing to the West India islands, captured above twenty sail of English merchantmen. Lawson, through want of instructions, did not follow De Ruyter, but he was careful to inform the duke of York of his probable destination; and, by order of that prince, two English fleets swept the narrow seas of the Dutch traders, which, to the number of one hundred and thirty sail, were carefully guarded in the English ports, as a fund of indemnification to the sufferers from the expedition under De Ruyter [48].

Sep. 25. Oct. 14. 1665. April.

Supply voted.

Charles, however, before he would rush blindly into the contest, determined to secure a provision of money adequate to the undertaking. The charge of the war was calculated at two millions and a half, a sum unprecedented in the annals of English finance: but the passions of the people were roused, and the council had the art to remove from themselves the odium of the demand. By their secret persuasion, sir Richard Paston, a

Nov. 25.

[48] Life of James, i. 403. Clarendon, 225, 227. Le Clerc. ii. 65, 67. Basnage, 714. His majesty's Narrative in Lords' Journ. ii. 275. The complaint of Charles in this narrative is confirmed by D'Estrades, who attributes the war to the expedition of Ruyter in obedience to the order of De Witt, "sans attendre selon la disposition du 14 article de 1662 que le terme d'un (an) fut passé, pendant lequel le Roi de la Grande Bretagne devoit faire reparer l'enterprise du chevalier Holmes". D'Estrades, iv. 315. "Intra anni spatium". Dumont, vi. par. ii. p. 424.

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country gentlemen of independent fortune, brought forward the proposition in the house of commons; and when, to carry on the deception, a known dependent of the ministers rose to suggest a smaller sum, he was eagerly interrupted by two members, supposed to have no connection with the court. The artifice escaped notice, and the original motion was carried, after an animated debate, by a majority of seventy voices. The lords assented, and the king issued a declaration of war [49]. CHAP. II. 1665. Feb. 22.

The provisions of this money-bill deserve the reader's attention, because they put an end to the ancient system of taxation, and effected a considerable change in the acknowledged immunities of the clergy. 1°. He is aware that, from the commencement of the contest between Charles I. and his parliament, down to the restoration of his son, the manner of raising supplies by grants of subsidies, tenths and fifteenths had been abandoned, for the more certain and less cumbrous expedient of levying monthly assessments on the several counties. The ministers of Charles were not ignorant of the superior merit of the new plan; but, as it was originally a revolutionary measure and had excited the complaints of the people, they had deemed it prudent, in a former session, to New method of taxation.

[49] Com. Journ. Nov. 25—Feb. 3. Lords' Journ. xi. 654. Clarendon, as usual, will appear inaccurate, if he be compared with the journals. See Clar. 228—231. Pepys tells us that, in framing the estimates, the Admiralty studied to make the charges of the last year as high as possible, ii. 228.

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CHAP. II. 1665.

revert to the old monarchical model. The experiment, however, failed; the four last subsidies had not raised more than one half of the sum at which they were calculated; the house consented that the new grant should be levied by twelve quarterly assessments on the counties [50]; and from that period the ancient subsidies fell into desuetude. 2°. Hitherto the clergy had preserved the honourable privilege of taxing themselves, and had usually granted in convocation the same number of clerical subsidies as was voted of lay subsidies by the two houses of parliament. But this distinction could not conveniently be maintained, when money was to be raised by county rates; and it was therefore agreed that the right of the clergy should be waived in the present instance, but, at the same time, be preserved for them by a proviso in the act. The proviso, however, was illusory, and the right has never since been exercised. In return, the clergy claimed, what could not in justice be denied, the privilege of voting as freeholders at elections; a privilege which, though never expressly granted, has since been recognized by different statutes [51]. But a consequence followed from this arrangement, which probably was not foreseen. From the moment that the convocation ceased to vote money, it became of little service to the crown. It was no longer suffered

Loss of privilege by the clergy.

[50] 17 Car. ii. c. i.

[51] 10th Anne, c. 23. 18th George, ii. c. 18.

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CHAP. II. 1665.

to deliberate, to frame ecclesiastical canons, or to investigate the conduct, or regulate the concerns, of the church. It was, indeed, summoned, and the members met as usual, but merely as a matter of form; for a royal mandate immediately arrived, and an adjournment, prorogation, or dissolution followed. That, however, which seems the most extraordinary is, that this change in the constitution, by which one of the three estates ceased, in fact, to exist, and a new class of freeholders, unknown to the law, was created, owes its origin, not to any legislative enactment, but to a merely verbal agreement between the lord chancellor and archbishop Sheldon [52].

Naval regulations.

From parliament, the lord high admiral hastened to Gunfleet to superintend the naval preparations; Charles, by his commands, and occasionally by his presence, seconded the industry of his brother [53]; and, before the end of April, the most formidable fleet that England had ever witnessed, was ready to contend for the empire of the sea. The duke, despising the narrow prejudices of party, had called around him the seamen who fought and conquered in the last war; and when the duke of

[52] See Echard, 818. Burnet, i. 340, note; iv. 508, note.

[53] Charles paid much attention to naval affairs. He studied the art of ship-building, and persuaded himself that he could make improvements in it. In a letter to prince Rupert, he says, "I believe that if you trie the two sloopes that were builte at "Woolidge, which have my invention in them, they will outsail "any of the French sloopes". Lansdowne, MSS. MCCVI. p. 162.

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CHAP. II. 1665.

Buckingham and other noblemen, whose only recommendation was their birth and quality, solicited commissions, he laconically replied, that they might serve as volunteers: experience alone could qualify them to command. The future operations were arranged with his council, and, at his suggestion, an improvement was adopted, that something of that order should be introduced into naval, which was observed in military, engagements. It was agreed that the fleet should be divided into three squadrons; the red under the command of the duke, the white under that of prince Rupert, and the blue under the earl of Sandwich: that it should be formed in line preparatory to battle; and that the several captains should be enjoined to keep the stations allotted to them by their respective commanders [54]. James unfurled his flag
April 21. on board the Royal Charles; ninety-eight sail of the line and four fire ships followed him to sea [55], and for more than a month this formidable armament insulted the coast of Holland, and rode triumphant in the German ocean.

[54] "This was the first war wherein fighting in a line, and a "regular form of battle was observed". Life of James, i. 405. This system introduced by the duke was invariably followed till Clerk's "Essay on Naval Tactics" induced Lord Rodney to break through the enemy's line in his victory of the 12th of April, 1782.

[55] Three were first rates, eleven second, fifteen third, thirty-two fourth, eleven fifth, and twenty-six merchant ships carrying from forty to fifty guns. Life of James, 405. Macpherson's Papers, i. 31.

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CHAP. II. 1665.

At length an easterly wind drove the English to their own shores, and the Dutch fleet immediately put to sea. It sailed in seven divisions, comprising one hundred and thirteen ships of war, under the command in chief of Opdam, an officer, who in the late war had deserved the confidence of his countrymen. It exhibited a gallant and animating spectacle: the bravest and the noblest youths of Holland repaired on board to share the dangers of the expedition; and, as the admiral had received a positive order to fight, every heart beat high with the hope or assurance of victory. Opdam himself was an exception. His experienced eye discovered, in the insufficiency of many among his captains, and the constitution of their crews, reason to doubt the result of a battle; and to his confidants he observed:—"I know what prudence "would suggest; but I must obey my orders, and "by this time to-morrow you shall see me crowned "with laurel or with cypress [54]".

Victory of the 3d of June.

Early in the morning of the 3d of June the hostile fleets descried each other near Lowestoffe. Seven hours were spent in attempts on each side to gain and keep the advantage of the wind: at length the English, by a skilful manœuvre, tacked in the same direction with the enemy, and accompanied them in a parallel line, till the signal was made for each ship to bear down and engage its opponent. The sea was calm: not a cloud could

June 3.

[54] Basnage, i. 741.

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CHAP. II. 1665.

be seen in the sky; and a gentle breeze blew from the south-west. The two nations fought with their characteristic obstinacy; and, during four hours, the issue hung in suspense. On one occasion the duke was in the most imminent peril. All the ships of the red squadron, with the exception of two, had dropped out of the line to refit; and the weight of the enemy's fire was directed against his flag-ship, the Royal Charles. The earl of Falmouth, the lord Muskerry, and Boyle, son to the earl of Burlington, who stood by his side were slain by the same shot; and James himself was covered with the blood of his slaughtered friends. Gradually, however, the disabled ships resumed their stations; the English obtained the superiority: and the fire of the enemy was observed to slacken. A short pause allowed the smoke to clear away; and the confusion, which the duke observed on board his opponent, the Eendracht, bearing Opdam's flag, induced him to order all his guns to be discharged into her in succession, and with deliberate aim. At the third shot from the lower tier, she blew up, and the admiral, with five hundred men, perished in the explosion. Alarmed at the loss of their commander, the Dutch fled: James led the chace; the four sternmost sail of the enemy ran foul of each other, and were consumed by a fire-ship, and three others shortly afterwards experienced the same fate. Van Tromp endeavoured to keep the fugitives together; the darkness of the night

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retarded the pursuit of the conquerors; and in the morning the Dutch fleet was moored in safety within the shallows [55]. In this action, the most glorious hitherto fought by the navy of England, the enemy lost four admirals, seven thousand men slain, or made prisoners, and eighteen sail either burnt or taken. The loss of the victors was small in proportion. One ship of fifty guns had been taken in the beginning of the action; and the killed and wounded amounted to six hundred men. But among the slain, besides the noblemen already mentioned, were the earls of Marlborough and Portland, and two distinguished naval commanders, the admirals Lawson and Sampson [56].

The plague in London.

At another time the report of such a victory would have been received with the most enthusiastic demonstrations of joy; but it came at a time when the spirits of men were depressed by one of

[55] The result of the victory would have been more complete, had not the Royal Charles during the night slackened sail and brought to, which detained the rest of the fleet. For some time the fact was concealed from the duke, who had retired to rest: but it gradually became known, and, from an inquiry instituted by the house of commons, it appeared that Brunkhard, one of the duke's servants who had been greatly alarmed during the battle, endeavoured at night to persuade the master to shorten sail, lest he should lead the ship into the midst of the enemy; and, failing in this, after a pause, delivered to him an order, or something like an order, to the same effect. Burnet insinuates that the order came from the duke (i. 377): that it was forged by Brunkhard appears from the inquiry before the house (Ibid. 378, note), from Clarendon, 269, and from the Life of James, i. 415.

[56] There are numerous accounts of this battle: I have preferred that given by James himself. Life, i. 407—415.

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CHAP. II. 1665.

the most calamitous visitations ever experienced by this or any other nation. In the depth of the last winter two or three isolated cases of plague had occurred in the outskirts of the metropolis. The fact excited alarm, and directed the attention of the public to the weekly variations in the bills of mortality. On the one hand, the cool temperature of the air, and the frequent changes in the weather, were hailed as favourable circumstances; on the other, it could not be concealed that the number of deaths, from whatever cause it arose, was progressively on the advance. In this state of suspense, alternately agitated by their hopes and fears, men looked to the result with the most intense anxiety; and, at length, about the end of May, under the influence of a warmer sun, and with the aid of a close and stagnant atmosphere, the evil burst forth in all its terrors. From the centre of St. Giles's the infection spread with rapidity over the adjacent parishes, threatened the court at Whitehall, and, in defiance of every precaution, stole its way into the city. A general

June 29.

panic ensued. The nobility and gentry were the first to flee; the royal family followed; and then all, who valued their personal safety more than the considerations of home and interest, prepared to imitate the example. For some weeks the tide of emigration flowed from every outlet towards the country; it was checked at last by the refusal of the lord mayor to grant certificates of health,

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and by the opposition of the neighbouring townships, which rose in their own defence, and formed a barrier round the devoted city. CHAP. II. 1665.

The absence of the fugitives, and the consequent cessation of trade and breaking up of establishments, served to aggravate the calamity. It was calculated that forty thousand servants had been left without a home, and the number of artisans and labourers thrown out of employment was still more considerable. It is true that the charity of the opulent seemed to keep pace with the progress of distress. The king subscribed the weekly sum of 1000*l*; the city of 600*l*.; the queen dowager, the archbishop of Canterbury, the earl of Craven, and the lord mayor, distinguished themselves by the amount of their benefactions; and the magistrates were careful to ensure a constant supply of provisions in the markets: yet the families that depended on casual relief for the means of subsistence were necessarily subjected to privations, which rendered them more liable to receive, and less able to subdue, the contagion. The mortality was at first confined chiefly to the lower classes, carrying off in a larger proportion the children than the adult, the females than the men. But, by the end of June, so rapid was the diffusion, so destructive were the ravages of the disease, that the civil authorities deemed it time to exercise the powers with which they had been invested by an act of James I. "for the charitable Regulations to suppress it. July 1.

CHAP. II. 1665.

" relief and ordering of persons infected with the " plague [57] ". 1°. They divided the parishes into districts, and allotted to each district a competent number of officers, under the denomination of examiners, searchers, nurses, and watchmen. 2°. They ordered that the existence of the disease, wherever it might penetrate, should be made known to the public by a red cross, one foot in length, painted on the door, with the words, " Lord have mercy on us ", placed above it. From that moment the house was closed; all egress for the space of one month was inexorably refused; and the wretched inmates were doomed to remain under the same roof, communicating death one to the other. Of these many sunk under the horrors of their situation: many were rendered desperate. They eluded the vigilance, or corrupted the fidelity of the watchmen, and by their escape, instead of avoiding, served only to disseminate the contagion [58]. 3°. Provision was also made for the speedy interment of the dead. In the day time officers were always on the watch to withdraw from public view the bodies of those who expired in the streets; during the night the tinkling of a

[57] St. i. James, i. c. 31. In the next session of parliament a bill was introduced to extend these powers, but was lost through the refusal of the lords to allow their houses to be shut up at the discretion of the constables. L. Journ. xi. 698. Marvel, i. 52.

[58] Persons thus escaping, if taken in company with others, and found to have infectious sores upon them were liable to suffer death as felons: if without sores, to be treated as rogues and vagabonds. Ibid. vii.

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bell, accompanied with the glare of links, announced the approach of the pest-cart, making its round to receive the victims of the last twenty-four hours. No coffins were prepared; no funeral service was read: no mourners were permitted to follow the remains of their relatives or friends. The cart proceeded to the nearest cemetery, and shot its burthen into the common grave, a deep and spacious pit, capable of holding some scores of bodies, and dug in the church-yard, or, when the church-yard was full, in the outskirts of the parish. Of the hardened and brutal conduct of the men to whom this duty was committed, men taken from the refuse of society, and lost to all sense of morality or decency, instances were related, to which it would be difficult to find a parallel in the annals of human depravity [59].

CHAP. II. 1665.

The disease generally manifested itself by the usual febrile symptoms of shivering, nausea, headache, and delirium. In some these affections were so mild as to be mistaken for a slight and transient indisposition. The victim saw not, or would not see, the insidious approach of his foe; he applied to his usual avocations, till a sudden faint-

Symptoms of the disease.

[59] Rugge, MS. 573. Echard, 823. Hodges, Loimologia, 23. De Foe, History of the Plague in London. Though De Foe, for dramatic effect, wrote as an eye witness, which he could not be, yet his narrative, as to the substance of the facts, is confirmed by all the other authorities. Hodges and De Foe attribute also the deaths of many to the avarice of their nurses, who destroyed the lives, that they might carry off the money and trinkets of the patients.

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CHAP. II. 1665.

ness came on, the maculæ, the fatal "tokens", appeared on his breast, and within an hour life was extinct. But, in most cases, the pain and the delirium left no room for doubt. On the third or fourth day, buboes or carbuncles arose: if these could be made to suppurate, recovery might be anticipated; if they resisted the efforts of nature, and the skill of the physician, death was inevitable. The sufferings of the patients often threw them into paroxysms of phrenzy. They burst the bands by which they were confined to their beds; they precipitated themselves from the windows; they ran naked into the street, and plunged into the river [60].

Terrors of the people.

Men of the strongest minds were lost in amazement, when they contemplated this scene of woe and desolation: the weak and the credulous became the dupes of their own fears and imaginations. Tales the most improbable, and predictions the most terrific, were circulated; numbers assembled at different cemeteries to behold the ghosts of the dead walk round the pits in which their bodies had been deposited; and crowds believed that they saw in the heavens a sword of flame, stretching from Westminster to the Tower. To add to their terrors, came the fanatics, who felt themselves inspired to act the part of prophets. One of these, in a state of nudity, walked through the city, bearing on his head a pan of burning

[60] Hodges, 57, 97—132.

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coals, and denouncing the judgments of God on its sinful inhabitants; another, assuming the character of Jonah, proclaimed aloud as he passed, "Yet forty days, and London shall be destroyed"; and a third might be met, sometimes by day, sometimes by night, advancing with a hurried step, and exclaiming with a deep sepulchral voice, "Oh the great and dreadful God"!

Desolation of the city.

During the months of July and August the weather was sultry, the heat more and more oppressive. The eastern parishes, which at first had been spared, became the chief seat of the pestilence, and the more substantial citizens, whom it had hitherto respected, suffered in common with their less opulent neighbours [61]. In many places the regulations of the magistrates could no longer be enforced. The nights did not suffice for the burial of the dead, who were now borne in coffins to their graves at all hours of the day; and it was inhuman to shut up the dwellings of the infected poor, whose families must have perished through want, had they not been permitted to go and seek relief. London presented a wide and heart-rending scene of misery and desolation. Rows of houses stood tenantless and open to the winds; others, in almost equal numbers, exhibited the

[61] The weekly returns of the dead for these months were, 1006, 1268, 1761, 2785, 3014, 4030, 5312, 5568, 7496. I take no notice of the distinction made by the bills between those who died of the plague, and those who died of other diseases, because I conceive no reliance can be placed on it.

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CHAP. II. 1665.

red cross flaming on the doors. The chief thoroughfares, so lately trodden by the feet of thousands, were overgrown with grass. The few individuals who ventured abroad walked in the middle, and, when they met, declined on opposite sides, to avoid the contact of each other. But, if the solitude and stillness of the streets impressed the mind with awe, there was something yet more appalling in the sounds, which occasionally burst upon the ear. At one moment were heard the ravings of delirium, or the wail of woe, from the infected dwelling; at another, the merry song, or the loud and careless laugh issuing from the wassailers at the tavern, or the inmates of the brothel. Men became so familiarized with the form, that they steeled their feelings against the terors, of death. They waited each for his turn with the resignation of the Christian, or the indifference of the stoic. Some devoted themselves to exercises of piety; others sought relief in the riot of dissipation, and the recklessness of despair.

The pestilence abates.

September came; the heat of the atmosphere began to abate; but, contrary to expectation, the mortality increased [62]. Formerly, a hope of recovery might be indulged; now infection was the certain harbinger of death, which followed, generally, in the course of three days, often

[62] The return for the week ending Sep. 5, was 8252.

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within the space of twenty-four hours. The privy council ordered an experiment to be tried, which was grounded on the practice of former times. To dissipate the pestilential miasm, fires of sea-coal, in the proportion of one fire to every twelve houses, were kindled in every street, court, and alley of London and Westminster. They were kept burning three days and nights, and were at last extinguished by a heavy and continuous fall of rain. The next bill exhibited a considerable reduction in the amount of deaths; and the survivors congratulated each other on the cheering prospect [63]. But the cup was soon dashed from their lips; and in the following week more than ten thousand victims, a number hitherto unknown, sank under the augmented violence of the disease [64]. Yet, even now, when hope had yielded to despair, their deliverance was at hand. The high winds, which usually accompany the autumnal equinox, cooled and purified the air; the fever, though equally contagious, assumed a less malignant form, and its ravages were necessarily more confined from the diminution of the population, on which it had hitherto fed. The weekly burials successively decreased from thousands to hundreds, and, in the beginning

Sep. 5.

Sep. 5—12.

Sep. 12—19.

[63] The return fell to 7690.

[64] The number returned was 8297, but it was generally acknowledged that the bills were very incorrect, and seldom gave more than two-thirds of the real number.

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CHAP. II. 1665. Dec. 12. 1666. Feb. 1.

of December, seventy-three parishes were pronounced clear of the disease[65]. The intelligence was hailed with joy by the emigrants, who returned in crowds to take possession of their homes, and resume their usual occupations: in February the court was once more fixed at Whitehall, and the nobility and gentry followed the footsteps of the sovereign. Though more than one hundred thousand individuals are said to have perished, yet in a short time, the chasm in the population was no longer discernible. The plague continued, indeed, to linger in particular spots[66], but its terrors were forgotten or despised; and the streets, so recently abandoned by the inhabitants, were again thronged with multitudes in the eager pursuit of profit, or pleasure, or crime.

Failure of an attempt at Bergen.

From the metropolis, the pestilence had extended its destructive sway over the greater part of the kingdom. The fugitives carried the infection with them wherever they found an asylum;

[65] The decrease was as follows, 6460, 5720, 5068, 1806, 1388, 1787, 1359, 905, 544.

[66] There was not a week in the year in which some cases of plague were not returned. For all these particulars, see Hodges, Loimologia; De Foe; the newspapers of the year; Evelyn, Diary, ii. 245; Ellis, Letters, second series, iv. 35. Pepys, ii. 266, 73, 6, 81, 86, 93, 7, 305, 9, 10. Clarendon, with his usual inaccuracy, makes the number of dead, according to the weekly bills, to amount to 160,000, which, he says, ought, in the opinion of well-informed persons, to be doubled. (Clarendon, 326). The number of burials, according to the bills, was only 97,306. (Table prefixed to Loimologia.) If we add one-third for omissions, the amount will be about 130,000; but from these must be deducted the deaths from other causes than the plague.

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and the mortality was generally proportionate to the density of the population[67]. Fortunately it confined its ravages to the land; the fleet continued healthy; and, as soon as the ships damaged in the late engagement were repaired, the duke of York hastened to take the command; but his eagerness was checked by the prohibition of the king, who had been solicited by the queen-mother not to expose the life of the presumptive heir to the uncertain chances of battle. The earl of Sandwich succeeded him, and sailed to watch the hostile navy in the Texel. In the meanwhile two fleets of Dutch merchantmen, the one from the East Indies, the other from Smyrna, valued at twenty-five million of livres, steering round the north of Ireland and Scotland, had taken shelter in the neutral harbour of Bergen in Norway. The temptation was too powerful for the honesty of the king of Denmark: and, on condition that he should receive a moiety of the profits, he consented to connive at the capture of the Hollanders by the English fleet. Sandwich sailed immediately to Bergen, and Clifford, afterwards lord-treasurer, held an unsatisfactory conference with Alefeldt, the governor. That officer proposed that the English should wait till he had received instructions from Copenhagen; but Sandwich refused;

CHAP. II. 1665.

July.

[67] In August of the following year it raged with violence in Colchester, Norwich, Winchester, Cambridge, and Salisbury. Rugge, MS.

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CHAP. II. 1665.

Tyddiman entered the harbour with a powerful squadron; and the Dutch moored their ships across the bay, and raised a battery of forty-one guns on the shore. A sudden change in the direction of the wind compelled the English to cast anchor under the cannon of the castle; but Tyddiman, trusting to the neutrality of the governor, commenced the attack, and had already driven the enemy from most of their defences, when the garrison opened a destructive fire on the assailants. One ship was sunk; the others, cutting their cables, ran out to sea, and the enterprize was abandoned. With whom the blame of the failure ought to rest, Clarendon professes himself unable to determine: Sandwich complained loudly of the duplicity and bad faith of the king of Denmark; but sir Gilbert Talbot, the English ambassador, acquits the Danish authorities, and asserts that Sandwich refused to wait but one day for the arrival of instructions from Copenhagen, under the notion that, by acting without the permission of the Dane, he should exclude him from any right of participation in the expected booty [67].

Aug. 3.

Captures by sea.

To the pensionary De Witt, the principal advocate of the war in Holland, to preserve the merchantmen in Bergen was an object of the first importance. Though a mere landsman, he took

[67] Clarendon, 270, 277—281. Pepys, ii. 324. Miscel. Aul. 359. Echard, 821; and sir Gilbert Talbot's Narrative among the Lansdowne MSS., 6859, p. 45.

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the command of the fleet, and, impatient of the obstruction caused by a contrary wind, sought and discovered a new passage out of the Texel. He sailed to Bergen, and the merchantmen placed themselves under his protection: but the fleet was dispersed by a storm, and Sandwich had the good fortune to capture eight men-of-war, two of the richest Indiamen, and about twenty other vessels. But avarice tempted him to take from the Indiamen a part of their cargo to the value of 2,000*l.*, and the other flag-officers, with his permission, followed his example. The king and the duke as lord high admiral, condemned his presumption: he acknowledged his offence before the council; and was in punishment deprived of the command, but, to save his honour in the eyes of the public, received the appointment of ambassador to the court of Spain [68]. CHAP. II. 1665. Sep. 4.

Charles, on account of the pestilence in London, had summoned the parliament to meet in Oxford. His object was to obtain another supply of money. The expenses of the war, partly through the want of naval stores [69], partly through the negligence and rapacity of the officers, had considerably exceeded the calculations Parliament at Oxford.

[68] Lords' Journ. xi. 687. Clarendon, 300—6. Coke, ii. 38. Miscel. Aul. 361. D'Estrades, ii. 364. Pepys, ii. 324, 9, 347, 352. Evelyn, ii. 248.

[69] To supply the naval arsenals, Charles, of his own authority, suspended the navigation act, and yet the parliament took no notice of it. Coke, ii. 140.

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CHAP. II. 1665.

of his ministers, and the whole of the last parliamentary grant was already mortgaged to the creditors of the public. With the king's request, that the two houses, by their liberality, would complete their own work, they cheerfully complied; and an additional grant of 1,250,000*l.*, with a present of 120,000*l.* to the duke of York, was voted without a murmur. The next object which claimed their attention, was the danger to be feared from the enemies of monarchy. Algernon Sydney, and many of the exiles, had hastened to Holland, and offered their services to the States. Whether the latter seriously meditated an invasion of England or Scotland, may be doubted: but they certainly gave naval and military commands to several of the refugees, and encouraged the formation of a council of English malcontents at the Hague. These corresponded with their friends in England; the most sinister reports were put in circulation; strangers, notwithstanding the mortality, were observed to resort to the capital; and information was sent to Monk of secret meetings of conspirators, and of plots for the seizure of the Tower and the burning of the city. Rathbone, Tucker, and six of their associates were apprehended, and paid the forfeit of their lives; but colonel Danvers, the leader, escaped from the grasp of the officers, and found an asylum in the country. Alarmed by this insignificant plot, the parliament attainted several of the conspirators by name, and, in addition,

Oct. 11.

Oct. 23.

Sep. 1.

Oct. 3.

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every natural born subject who should remain in the service of the States after a fixed day [70]. These enactments, however, did not satisfy the more timid or more zealous. During the pestilence, many of the orthodox clergy in the metropolis persisted with the most laudable constancy in the discharge of their duties; many, yielding to their fears, had skulked away from the scene of danger, and sought security in the country. The presbyterian ministers who had recently been ejected, seized the opportunity to ascend the vacant pulpits amidst the loud cries of their congregations "what must we do to be "saved". The self-devotion of these men, who braved the perils of death that they might administer the consolations of religion to their afflicted brethren, is said to have provoked the jealousy of their rivals; and that jealousy, if it really existed, was speedily gratified by new penal enactments. That the law had been violated, no

CHAP. II. 1665.

Five-mile Act.

[70] L. Journ. xi. 688, 692. St. 17. Car. ii. c. 5. Parker, 78—87. Burnet, i. 393. Clarendon, 290. It has often been asserted that these plots, and the correspondence said to be carried on between the disaffected in England and the Dutch, were mere fictions. The following extracts from the letters of D'Estrades, the French minister at the Hague, to his sovereign, will perhaps prove the contrary. Les états ont de grandes intelligences en Ecosse, et parmi les ministres de leur religion en Angleterre. Mémoires d'Estrades, ii. 383. Oct. 3, 1665. L'Ecosse fait entendre aux états que dès que votre majesté se declarera, elle a un fort parti à mettre en campagne, et que les ministres de l'Angleterre de la même religion de ceux de ce pays mandent la même chose. Id. 385.

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CHAP. II. 1665.

one could deny; but the violation had been committed in circumstances so extraordinary as to be more worthy of praise than censure. To add, therefore, to the legal offence, it was pretended that the ministers had employed the opportunity to disseminate from the pulpit principles of sedition and treason, representing the plague as a visitation from Providence, partly on account of their own expulsion from the churches, and partly on account of the immorality of the sovereign and his court: charges in which it is probable that the indiscretion of one or two individuals was not only exaggerated, but unjustly extended to the whole body. However that may be, an

Oct. 30.

act was passed, prohibiting every non-conforming minister to come, unless he were passing on the road, within five miles of any town sending members to parliament, or of any village in which he had ever lawfully or unlawfully exercised his ministry, under the penalty of a fine of 40*l.* for every such offence, and of six months' imprisonment, if he refused in addition to take the oath of non-resistance. For the better execution of this, the five-mile act, the bishops received from the orthodox clergy the names of all non-conforming ministers within their respective parishes; spies and informers were everywhere employed and encouraged; and the objects of suspicion were compelled to fix themselves and their families in obscure parts of the country, where they depended for support on their own labour and the

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casual charity of others. But the oath was still refused; and the sufferings of the victims served only to rivet their doctrines more firmly in the minds of their hearers [71].

Louis unites with the Dutch.

De Witt had long sought to strengthen himself and his party with the protection of the king of France; and Louis was not unwilling to purchase the services of a man, who governed the states of Holland, and through them was able to control the other provinces of the republic. To him De Witt had communicated several proposals for the partition of the Spanish Netherlands; and the king, though he nourished a more ambitious project in his own breast, to humour the Dutchman, consented to enter into a negotiation respecting the conditions [72]. But, in 1665, Philip of Spain died, leaving the crown, and all the dominions dependent on it, to the infant his son, under the regency of Marianne of Austria, the queen-mother. Louis now determined, as he had previously intended, to take possession of Flanders, under the pretence, that by the custom of several provinces in the Netherlands, called

[71] L. Journ. xi. 700. St. 17. Car. ii. c. 2. Wilkins, Con. iv. 583. Burnet, i. 392—3. Clarendon, who, as usual, is very inaccurate, 217, 290. The act did not mention non-conformist ministers, but included them under the description of persons, who had enjoyed ecclesiastical promotion, or preached at unlawful conventicles.

[72] All the letters of D'Estrades, from his arrival in Holland till 1664, shew how firmly this unfortunate statesman had devoted himself to the interests of France.

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CHAP. II. 1665.

the right of devolution, those provinces belonged to his wife, Maria Teresa, the daughter of Philip by his first marriage. It was, indeed, true that Louis by contract, and his young queen by a separate instrument, had solemnly renounced all claim to the succession to the Spanish monarchy in general, and to Flanders, Burgundy, and Charolais in particular[73]: but it was contended that the king had been released from the obligation of the contract by the non-payment of the marriage portion on the part of Spain, and that Maria Teresa had never been bound by the renunciation, because it was made during her minority. It chanced, however, that the Dutch, in virtue of the defensive alliance concluded between them and France in 1662, called upon Louis to join as their ally in the war; and it seemed impolitic to provoke hostilities at the same moment with two such powers as England and Spain. It was, indeed, easy to elude the demand, by replying that a defensive treaty did not bind, when the party claiming aid had provoked the war; but, on the other hand, it was argued that Louis, by cheerfully uniting with the States, would render them less hostile to his intended occupation of

[73] Dumont, vi. part i. 283, 8. By the law of devolution, which prevailed in several provinces of the Netherlands, the right of inheritance was given to the children of the first marriage, even females, to the exclusion of the issue by the second. Maria Teresa, the consort of Louis, was the daughter of Philip of Spain by his first wife; Charles, the inheritor of the monarchy, was his son by the second.

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Flanders; and that, under the pretext of preventing the descents of the English, he might covertly make preparations, and assemble troops on the nearest parts of the coast [74]. Louis followed this counsel: his ambassador informed Charles that unless peace were speedily concluded, his master would feel himself bound to take part against him in the war; and the English king had the spirit to defy the power, rather than submit to the dictation, of a foreign prince. CHAP. II. 1665.

In January the French monarch, though with many expressions of regret, declared war; but, at the reclamation of the English ambassador, granted three months to British subjects to withdraw with their effects from his territories [75]. The approach of a French force soon compelled the bishop of Munster, who, as the ally of Charles, had made a formidable inroad into the province of Overyssel, to submit to a disadvantageous peace; and the French agent at Copenhagen prevailed on the king of Denmark to withdraw from his alliance with England, and to make common cause with the States. Charles, on his side, concluded a treaty with the king of Sweden, by which each party engaged not to furnish muni- Treaties. 1666. Jan. 16. April 8. Feb. 1. Feb. 8.

[74] Dumont, vi. part ii. p. 412. Œuvres de Louis XIV., ii. 5—11, 25, 130.

[75] Dumont, part iii. 82. Clar. 282, 8. Miscel. Aul. 373. Mémoires D'Estrades, iii. 54, 64. Charles, on his part, offered freedom from molestation in person or property to all natives of France, or the United Provinces, residing in, or coming into his dominions, "especially to those of the reformed religion, whose "interest should particularly be owned by him". Ralph. i. 159.

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CHAP. II. 1665.

tions of war to the enemies of the other; but failed in an attempt to create an opposition to De Witt in Holland through the intrigues of De Buat, a partisan of the house of Orange, who forfeited his life as a traitor to the republic[76].

The four days' battle.

These negotiations occupied the first months of the new year: in May, prince Rupert and the duke of Albemarle assumed the joint command of the English fleet, and insulted with impunity the coast of Holland. There was but little cordiality between the two admirals. The pride of Rupert could hardly brook an equal in rank and authority; but the people remembered the former victories of Monk over the Dutch, and Charles gratified the general wish by associating him with the prince in the chief command. They had returned to the Downs, when advice was received that the Dutch navy was not in a state to put to sea for several weeks, and that a French squadron, under the duke of Beaufort, had reached Belleisle from the Mediterranean. Unfortunately neither report was true. De Ruyter, accompanied by De Witt, had already left the Texel: the duke of Beaufort had not passed the Straits of Gibraltar.

May 29. Rupert, however, procured an order from court to hasten with twenty sail in search of the

May 31. French, while Albemarle, with fifty-four, directed his course to the Gun-fleet. The next morning

June 1. the duke, to his surprise, descried the Dutch fleet

[76] Clarendon, 327, 9, 333—6. Dumont, vi. par. iii. 59, 83, 106.

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of more than eighty men of war lying at anchor off the north Foreland. He had so often spoken with contempt of the enemy, had severely criticized the caution of the earl of Sandwich, that to retire without fighting would have exposed him to the censure and derision of the public. A council of war was instantly summoned; the majority, in opposition to their own judgment, acquiesced in the rash, but decided opinion of their commander, and the signal was made to bear down without delay on the enemy. No line was formed, no order observed; the blue squadron, which led the van, fought its way through the hostile fleet; but most of the ships of which it consisted were captured, or destroyed, or disabled. Darkness separated the combatants, and the action re-commenced with the return of light. But, if Monk on the preceding day had fought for victory, he was now reduced to fight for safety. A reinforcement of sixteen sail added to the hopes and the courage of the enemy: nor was it without the most heroic exertions that the English were able to protract the unequal contest till night. Monk having burnt a part of his disabled ships, and ordered the others to make for the nearest harbour, opposed in the morning sixteen, that remained as a rear-guard to the pursuit of De Ruyter. But, in the hurry of their flight, they ran on the Galloper Sand, where the Prince Royal, the boast of the English navy, was lost, and where the rest would

CHAP. II. 1666.

June 2.

June 3

Digitized by Google

CHAP. II. 1666.

probably have shared its fate, had not Rupert, with his squadron of twenty sail, at last arrived to their relief. He had received orders to return from St. Helen's on the first day of the battle; nor was it ever explained why he did not join Albemarle till the evening of the third. The force of the hostile fleets was now more nearly balanced: they renewed the engagement on the following morning; and, having passed each other five times in line, separated under the cover of a mist[77]. Such was the result of this succession of obstinate and sanguinary engagements. That the Dutch had a just claim to the victory, cannot be doubted; though, if we consider the fearful disparity of force, we must own that no disgrace could attach to the English. "They may be "killed", exclaimed De Witt, "but they will not "be conquered". At home the conduct of Monk was severely and deservedly censured; but no one could convince him that he acted imprudently in provoking the battle, or that he had not inflicted more injury than he had received[78].

June 4.

Both fleets stood in need of repairs: both, by extraordinary efforts, were in a short time again

June 25.

[77] Com. Journals, 1667, Oct. 31. Clarendon, 343, 4. Coke, 144. Heath, 550. Le Clerc, ii. 139. Basnage, i. 773. Pepys, ii. 398—402, 410, 1, 2, 5, 424, 434, 5.

[78] Pepys, ii. 422. Com. Journ. Oct. 31. According to Evelyn, the English lost ten ships, one thousand seven hundred men killed and wounded, and two thousand taken (ii. 258.): the Dutch acknowledged the loss of two admirals, seven captains, and one thousand eight hundred men. Le Clerc, ii. 142.

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at sea. They met; the victory was fiercely and obstinately disputed; but the better fortune, or more desperate valour, of the English prevailed. Few prizes were, however, made. With rash but successful daring, De Ruyter repeatedly turned on the pursuers, and kept them at bay, till the fugitives found a secure asylum in the Weirings. Rupert and Monk rode for weeks triumphant along the coast, interrupting the commerce, and insulting the pride of their enemies. At the suggestion of a native, Holmes, with a squadron of boats and fire-ships, was ordered to enter the channel between Ulie and Schilling, the usual rendezvous of vessels trading to the Baltic: in a short time two men of war, and one hundred and fifty merchantmen with their cargoes, were in flames, and the next day the neighbouring town of Brandaris, consisting of one thousand houses, was reduced to ashes. At the sight of the conflagration De Witt maddened with rage, and swore by the almighty God that he would never sheath the sword till he had obtained his revenge: an oath which he religiously observed [79].

CHAP. II. 1666.

Aug. 8.

Aug. 9.

Aug. 10.

Louis was not unwilling that the two great maritime powers should exhaust themselves in this tremendous struggle. To his allies he had promised the co-operation of his fleet, but that promise was yet to be fulfilled; and instead of risking the French navy in battle against the

Intrigues of Louis.

[79] Clarendon, 345. Pepys, ii. 444. Miscel. Aul. 411, 2. Mémoires D'Estrades, iii. 346, 361.

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CHAP. II. 1666.

English, he sought to occupy the attention of Charles by exciting rebellion in his dominions. With this view he employed agents to intrigue with the catholics of Ireland, who had lost their lands by the late act of settlement; and encouraged the hopes of the English exiles, who persuaded themselves that their party was still powerful in England. Algernon Sydney hastened to Paris: to the French ministers he maintained that the interest of France demanded the establishment of a republic in England; and to the French king he presented a memorial soliciting the gift of 100,000*l.* to enable his party to commence operations against the English government. But Louis paused before he would part with so large a sum of money. In conclusion he offered Sydney 20,000*l.* in the first instance, with a promise of additional aid, if the rising should take place [80].

Operations by sea.

Aug. 13.

About the middle of August, however, the duke of Beaufort, contrary to the general expectation, arrived at La Rochelle from the Mediterranean, and a plan was arranged between the two powers for the junction of their respective fleets in the British Channel. The Dutch, for this purpose, had already passed the Strait of Dover, when they descried the English under prince Rupert. De Ruyter, though on board, was confined by

[80] Louis XIV. ii. 203, and note ibid. Miscel. Aul. 433.

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severe indisposition; the men betrayed a disinclination to fight without the presence and orders of their favourite commander; and the fleet ran close into the shore in St. John's Road, near Boulogne. Rupert dared not follow: he turned to oppose Beaufort, as he came up the Channel; but the violence of the wind compelled him to seek shelter at St. Helen's, and the French squadron had the good fortune to arrive safely at Dieppe. Louis, alarmed at the proximity of his fleet to the superior force of the English, by repeated messages insisted that the Dutch should proceed to give it protection. But their ships had suffered severely from the weather; the admiral was still unable to take the command; and instead of joining their allies, they embraced the first opportunity of returning to their own ports. Beaufort, however, extricated himself from the danger, and stole his way down the Channel with no other loss than that of the Ruby, of fifty-four guns[81].

CHAP. II. 1666.

Sep. 3.

The storm which had driven the English fleet into St. Helen's was productive of the most disastrous consequences by land. On the night of Sunday, the 2d of September, a fire burst out in Pudding-lane, near Fish-street, one of the most crowded quarters of the metropolis. It originated in a bake-house; the buildings in the neighbourhood, formed of wood, with pitched roofs, quickly

Fire of London.

Sep. 2.

[81] Clarendon, 347. Heath, 553. Miscel. Aul. 418. Louis XIV. ii. 219, 221—226. Temple, i. 477.

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CHAP. II. 1666.

caught the flames; and the stores with which they were filled, consisting of those combustible articles used in the equipment of shipping, nourished the conflagration. To add to the mischief, the pipes from the new river were found empty[82], and the engine, which raised water from the Thames, was reduced to ashes. The lord mayor arrived on the first alarm: but his timidity and inexperience shrunk from the adoption of decisive measures: he refused for several hours to admit the aid of the military, and to those who advised the demolition of a range of houses, replied that he must previously obtain the consent of their respective owners[83].

Sep. 3. During the day the wind, which blew from the east, hourly augmented in violence; and the fire spread with astonishing velocity, leaping from roof to roof, and frequently igniting houses at a distance, and in apparent security. The following night ("if night," says an eye-witness, "that

[82] On the authority of an old woman, the countess of Clarendon, and of a divine, Dr. Lloyd, whose brain had been affected by the study of the Apocalypse, Burnet gravely tells a story of one Grant, a papist, a partner in the works at Islington, having on the preceding Saturday turned the cocks, and carried away the keys. (Hist. i. 401.) But the fire happened on the 2d of September, and Higgons (Remarks, 219.) proves from the books of the company, that Grant had no share in the works before the 25th of that month.

[83] The duke of York says, that the expedient of blowing up houses with gunpowder was suggested by an old woman (Macpher. Pap. i. 36.); Evelyn, by a party of sailors; but "some tenacious "and avaritious men, aldermen, &c. would not permit it, because "their houses must have been the first". ii. 266.

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" could be called, which was light as day for ten " miles round,") presented a most magnificent, but appalling spectacle. A vast column of fire, a mile in diameter, was seen ascending to the clouds; the flames, as they rose, were bent and broken, and shivered by the fury of the wind; and every blast scattered through the air innumerable flakes of fire, which falling on inflammable substances kindled new conflagrations. The lurid glare of the sky, the oppressive heat of the atmosphere, the crackling of the flames, and the falling of the houses and churches, combined to fill every breast with astonishment and terror.

Instead, however, of adverting to the natural causes of the calamity, causes too obvious to escape an observant eye, the public credulity listened to stories of malice and treachery. It was said and believed, that men had been apprehended carrying with them parcels of an unknown substance, which on compression produced heat and flame; that others had been seen throwing fire balls into houses as they passed along the street; that the foreign enemy had combined with the republicans and papists to burn the city; and that the French residents in the capital, to the number of twenty thousand, had taken up arms, and were massacring every native, who came in the way. These reports augmented the general terror and confusion. All were mingled together, men labouring to extinguish the flames, citizens conveying away their families and goods, crowds flying

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CHAP. II. 1666.

from the imaginary massacre, others in arms hastening to oppose the murderers, and mobs surrounding and ill-treating every stranger, foreigner, and reputed papist, who ventured into the streets.

Exertions of the king.

Charles never appeared so deeply affected as at the sight of the conflagration. Breaking from his pleasures and his mistresses, he displayed an energy of mind and body of which his most intimate friends thought him no longer capable. Wherever the danger appeared the greatest, the king was to be found with his brother, mixing among the workmen, animating them by his example, and with his own hand rewarding their exertions [84]. He divided the city into districts, and gave the command of each district to one of the privy council. He ordered biscuits and other necessaries to be brought from the royal stores for the relief of the families in the fields, and sent out strong patroles of his guards, to prevent robbery, and to conduct to prison all persons suspected and arrested by the populace, as the most likely means of preserving their lives.

End of the conflagration.

While the storm continued, the conflagration bade defiance to all the exertions of human ingenuity or power. In many places houses had been blown up or demolished: but the ignited flakes were carried over the empty space, or the ruins

[84] "It is not indeed imaginable how extraordinary the vigilance "and activity of the king and the duke was, even labouring in "person, and being present to command, order, reward, or encou- "rage workmen". Evelyn, ii. 268. Life of James, i. 424.

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again took fire, or the flames unexpectedly turned in a new direction. On the evening of Wednesday the violence of the wind began to abate; the duke of York saved the church of the Temple by the destruction of the neighbouring buildings; and the next morning a similar precaution was adopted by the king to preserve Westminster-abbey and the palace of Whitehall. About five in the evening of Thursday the weather became calm; and every heart beat with the hope that this dreadful visitation was approaching to its close. But in the night new alarms were excited. The fire burst out again in the Temple; it was still seen to rage with unabated fury near Cripplegate, and a large body of flame made rapid advance towards the Tower. The duke and the other noblemen were immediately at their posts. With the aid of gunpowder large openings were made; Charles attended at the demolition of the houses on the graff near the magazine in the Tower; and the conflagration, being thus prohibited from extending its ravages, gradually died away, though months elapsed before the immense accumulation of ruins ceased to present appearances of internal heat and combustion [85].

Sep. 5.

Sep. 6.

By this deplorable accident two-thirds of the metropolis, the whole space from the Tower to the Temple, had been reduced to ashes. The number

Its extent.

[85] London Gazette, No. 85. Clarend. 348—352. Evelyn, ii. 263—7. Philips, 652. Burnet, i. 401, 2; and Pepys, who in the confusion has divided one day into two. Diary, iii. 16—35.

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CHAP. II. 1666.

of houses consumed amounted to thirteen thousand two hundred; of churches, including St. Paul's, to eighty-nine, covering three hundred and seventy-three acres within, and sixty-three without the walls. In the fields about Islington and Highgate were seen lying on the bare ground, or under huts hastily erected, two hundred thousand individuals, many in a state of utter destitution, and the others watching the small remnant of their property which they had snatched from the flames. Charles was indefatigable in his exertions to afford relief, and to procure them lodgings in the nearest towns and villages [86].

Sep. 7.

Its cause.

Whoever considers the place in which the fire began, the violence of the wind, and the materials of which the houses were built, will not be at a loss to account for the origin and the extent of the conflagration. But it was an age in which political and religious prejudices had perverted the judgments of men. Some considered it as an evident visitation of Providence in punishment of sin; but of what sin? Of the immorality of the king and the courtiers, replied the more rigid religionists; of the late rebellion, recriminated the cavaliers [87]. Others attributed it to the disloyalty

[86] St. Trials, vi. 807. Evelyn, ii. 271.

[87] Two remarkable coincidences have been noticed. At the trials of certain conspirators in the preceding April, it appeared that they had intended to set fire to London on the 3d of September of the last year, that they might avail themselves of the

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and revenge, either of the republicans, who sought to destroy the seat of the monarchy, or of the papists, who wished to punish the strong hold of orthodoxy. But of these charges, though the individuals suspected were examined before the council and the lord chief justice, though the house of commons ordered a strict inquiry to be instituted, though every species of conjectural and hearsay evidence was admitted, yet no vestige of proof could ever be discovered. The report of the committee still exists, a complete refutation of the calumny [88]. Subsequently, however, on the monument erected to perpetuate this calamitous event, it was, and still stands, recorded, that "the "burning of this protestant city was begun and "carried on by the treachery and malice of the

confusion to overturn the government (London Gazette, Ap. 23—26): and it was about one in the morning of Sep. 3, of this year, that the fire made its appearance. Again, in 1656, a treatise was advertised, purporting to show from the Apocalypse, that in the year 1666 the Romish Babylon would be destroyed by fire. (Merc. Pol. in Burton's Diary, i. cxlvii.) Now this great fire actually happened in 1666, the year foretold, though it destroyed not the Romish, but the English Babylon.

[88] The examinations are printed in Howell's State Trials, vi. 807—866. One Hubert, a French protestant, who formerly worked as a silversmith in the city, gave himself up as the incendiary, was examined before the committee (see his examination, p. 824), and, persisting in his story, was condemned and executed. The man was clearly insane. "Neither the judges, nor any pre-"sent at the trial, did believe him guilty; but that he was a poor "distracted wretch, weary of his life, and chose to part with it "this way". Clarendon, 353. See also Higgons on Burnet, 215.

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CHAP. II. 1666.

"popish faction". Next to the guilt of him who perpetrates an atrocious crime, is the guilt of those, who charge it on the innocent [89].

Proceedings in parliament.

In the same month, when the parliament assembled, it became manifest that the popularity of the king was on the wane in the lower house. The late disaster had thrown a gloom over the public mind; and the murmurs of the people were echoed in the speeches of their representatives. The duke of Buckingham sought the company of the discontented; by tales of the royal extravagance and immorality, he sharpened their indignation and won their confidence; and, in a short time, a formidable party was arrayed against the advocates of the court. No man, indeed, could be more immoral than Buckingham himself; but Charles, to gratify the anger of Castlemaine, had banished him from court, and resentment made him a saint and a patriot. The commons began, indeed, by voting a supply of 1,800,000*l.*; yet, while they held out the money as a lure to the king, they required several concessions before they would deliver it into his hands. 1°. According to ancient custom, they displayed their zeal against the catholics. The attempt to fasten on them the charge of having fired the capital unfortunately failed; but a committee was appointed "to inquire "into the insolence of the papists and the increase

[89] The monument was begun in 1671, and finished in 1677; the inscription was written by Dr. Thomas Gale, afterward dean of York. Pennant's London, 347.

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"of popery"; and, though the information which they procured, consisted of tales so childish and improbable that they dared not pronounce an opinion [90], yet it served as the foundation of an address to the king; and Charles, in accordance with their petition, commanded, by proclamation, all priests and jesuits to quit the kingdom; gave directions to the judges and magistrates to execute the laws against recusants, to disarm all papists, and to administer the oaths of allegiance and supremacy to all persons suspected of popery; and ordered the commanders of regiments to dismiss from the army every officer and soldier who should refuse the oaths, or had not received the sacrament.

Debate on Irish cattle.

2°. In 1663 complaint had been made in parliament that the agricultural interest of England was sacrificed to that of Ireland; that the annual importation of Irish cattle, amounting to more than sixty thousand beeves and a proportionate number of sheep, depressed the prices in the English market; and that the English farmers were no longer able to pay their rents to their landlords or their taxes to the king. The result was an act prohibiting under severe penalties the importation of cattle from the Irish to the English ports. There now remained but one resource for the Irish farmer, the introduction of the dead carcase in place of the live animal; and to meet this a bill

[90] It is published in the State Trials, vi. 851—6.

Digitized by Google

CHAP. II. 1666.

was brought in during the session at Oxford, to extend the prohibition to salt beef, bacon, and pork. It was lost by the hasty prorogation of parliament, but revived in the present session. Never, for many years, had any question excited such agitation in the public mind, or such animosities in the two houses. On the one part, it was contended that the parliament was bound in duty to protect the agricultural interest, which comprised not only the farmers and their servants, but all the landlords in the kingdom; on the other, that the people had a right to purchase their food at the cheapest market; that it was unjust to protect one interest at the expense of another; and that, if the Irish were not allowed to export their cattle, they would not be able to import the manufactures of England. The bill, after much contestation, was sent to the lords, and returned by them with amendments, to which the commons objected. The opponents of the measure hoped, by fomenting the dissension, to suppress the bill: but the king was so anxious not to lose by delay the supply which had been voted, and so alarmed by the tumultuous meetings of the agriculturists in the country, that he commanded the duke of York and his friends in the house of lords to desist from their opposition. They withdrew before the division, and the bill was suffered to pass into a law [91].

[91] Miscel. Aul. 432, 6, 7, 9, 436. Coke, 151—144. Clarendon, 371—383. Carte, ii. 317—322, 329—334. In the course of these

CHAP. II. 1666.

On the auditing of the public accounts.

3°. Reports were circulated that the supplies previously voted for the war had been diverted from their original destination; and a bill was carried through the commons appointing commissioners to audit the public accounts. Charles, at the solicitation of sir George Carteret, treasurer of the navy, and of Cooper, recently created lord Ashley, treasurer of the prize money, openly declared that he would never yield his consent. It was a direct invasion of the royal prerogative; it would prevent men from taking office if, instead of the regular method of auditing accounts, they were to be interrogated at will by the commons, and subjected to the arbitrary judgment of that house; and, which was the most cogent argument of all, it would reveal to the public the many and valuable grants which the king had made of the national money to his favourites and mistresses. But to oppose it openly might provoke and confirm suspicion: when the bill came to the upper house, the lords voted an address to the king to appoint a commission of inquiry; the commons

debates, Buckingham said that whoever opposed the bill, must have an Irish interest in his heart, or an Irish intellect in his head. Lord Ossery challenged him; but he chose to mistake the place of meeting, and to give an account of the whole proceeding to the house. Both were put under custody, and afterwards reconciled. Next he quarrelled with lord Dorchester, respecting a seat in a conference with the commons. The marquess in the scuffle lost his periwig, the duke a handful of hair. The two champions were sent to the Tower, and reconciled. L. Journ. xii. 18, 19, 52. Clarendon, 376—9. Miscel. Aul. 423—6.

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CHAP. II. 1667.

resolved that such an address, pending the bill, was unparliamentary, and the two houses found themselves involved in an endless controversy respecting their rights and privileges. Charles, however, was now assailed from a different quarter. His opponents threatened to impeach the countess of Castlemaine; and his anxiety to screen her from prosecution induced him to employ his influence in favour of the bill. The lords passed it with a few trifling amendments; and then its supporters, as if their only object had been to excite the distrust of the nation, instead of proceeding with a measure which they had so warmly pursued, suffered the bill to lie without notice on the table. The means of raising the supply by a pole tax and by eleven monthly assessments were voted, and the king having obtained his end, prorogued the parliament [92].

Jan. 24.

Feb. 8.

Insurrection in Scotland.

During this session, the council was seriously alarmed by the news of an insurrection in Scotland, an insurrection attributed at first to foreign

[92] L. Journ. xii. 34, 47, 52, 72, 81, 88. C. Journal, Jan. 24; Feb. 7. Clarendon, 368, 374. Charles, however, in the April following, did appoint a commission of lords and commons, "for "taking accounts of the several sums of money which had been "raised and assigned to his majesty's use during the war, and of "all such moneys and profits as had been made of prizes taken "since the beginning of the war, with power to call to account all "treasurers, receivers, &c. and all such authority, as might serve "for the effectual and impartial execution of the said commis-"sion". They sate, continued the inquiry for many months, and made reports to the house of commons. There was, however, no important result.

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intrigue, but provoked in reality by religious persecution. The eastern and northern counties had apparently acquiesced in the restoration of episcopacy; but in the west and south a strong spirit of resistance had been manifested. Most of the ministers were ejected, and their places supplied by clergymen, whose youth and habits were not calculated to render them acceptable to the people. When they took possession of their cures, they were generally received with contumely, sometimes with vollies of stones from crowds of women and children; and when they ascended the pulpit, their churches were deserted by the majority of the parishioners. These followed their former pastor to the barn and the moor; the circumstances under which they met kindled the enthusiasm both of the preacher and his hearers; and they separated with a firm determination to adhere to the national covenant, and to oppose to the death the "anti-christian" institution of bishops. The parliament made laws to put down conventicles, and enforce attendance at the parish church; the high commission court endeavoured to subdue the most refractory by arbitrary and disproportionate punishments; and, as a last resource, a body of soldiers, under sir James Turner, an Englishman, was sent into the west to levy fines, and secure obedience to the law. Without attaching entire credit to the exaggerated tales of the sufferers, we may presume that these military missionaries did not discharge their duties in a manner to please or

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CHAP. II. 1667.

conciliate the natives; numerous frays occurred between them and the religionists on whom they were quartered: one of the soldiers was shot at Dalry in Galloway; the offenders secured his companions for their own safety; their number quickly increased; they surprised and made prisoner sir James Turner himself; and, astonished at their success, began to deliberate respecting their future proceedings. They scarcely exceeded two thousand men; but, on the ground that "God was "able to save by few as well as by many", they chose officers, renewed the covenant, and resolved to march towards Edinburgh. The night was cold and dark; and, on their arrival at Bathgate their force had dwindled to less than one half of its original amount. They nevertheless continued to advance; but the gates were shut; and the royal army under Dalziel followed their footsteps. They retreated from Collingtown to Rullion-green, near the Pentland Hills, where their commander, colonel Wallace, faced the enemy. Of the ministers who accompanied them, Crookshank and Maccormick, natives of Ireland, took their station among the cavalry to fight the battle of the Lord; Welch and Semple, natives of Scotland, ascended a neighbouring eminence to pray. The former fell in the first charge; the latter, as soon as they saw the loss of the battle, saved their lives by flight. About fifty of the insurgents were left dead on the field, and one hundred and thirty were made prisoners. It was a time when per-

1666. Nov. 13.

Nov. 15.

Nov. 27.

Nov. 28.

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haps some effect might have been produced by the lenity of government: but the prelates deemed it more prudent to intimidate by severity. Twenty were executed in the capital, and about the same number in Glasgow, Ayr, Irvine, and Dumfries. All refused the oath, and died professing their adhesion to the covenant. The king ordered a rigorous inquiry to be made into the origin of the insurrection; and the chief of the prisoners were tortured in the "boots", to draw from them the confession of their real object. But no trace could be discovered of any correspondence between them and the foreign enemy: the court became convinced that persecution had goaded them to resistance; and an order was issued that the whigs (the name by which the covenanters were now designated) should be treated with less severity [93].

CHAP. II. 1667.

Dec. 7. Dec. 14. Dec. 22.

The suppression of this tumult relieved the king from one source of disquietude: there remained another, which he knew not how to remove—the poverty of the exchequer. To prepare the fleet for sea required an immediate supply of money; and the grant made by the parliament, though liberal in the amount, offered but a distant resource. In the former years the royal

Difficulty of fitting out the fleet.

[93] Kirkton, 229—255. Wodrow, 247—256. App. 86, 7, 8. Burnet, i. 451. "The poor people, who were at this time in contempt called whiggs, became name-fathers to all that owned ane honest interest in Britain, who were called whiggs after them even at the court of England; so strangely doth Providence improve man's mistakes for the furthering of the Lord's purpose". Kirkton, 255.

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CHAP. II. 1667.

wants had been promptly accommodated by the bankers, a few opulent individuals, members of the company of goldsmiths, and aldermen in the city. These it was customary to introduce into the royal presence; they were acquainted with the amount of the intended loan; each subscribed for such portion as he chose to take, and received in return the assignation of some branch of the public revenue, entitling him to its produce till the capital, with the interest at eight per cent., should be entirely discharged [94]. But this expedient was now impracticable, on account of the embarrassments, caused by the plague and the fire, in mercantile and pecuniary transactions. The bankers had suffered considerable losses; money had grown scarce; the destruction of merchandize had diminished the receipt of the customs and excise; and the inability of the treasury to fulfil its engagements had impaired the royal credit. In an evil hour, sir William Coventry proposed to lay

[94] Clarendon, 393—6, 314, 5. Life of James, i. 425. Macpherson, Pap. i. 367. The bankers were accustomed to charge eight per cent. on loans, and to give six per cent. on deposits. The manner of payment may be understood from the following order in council, published in March of this year: "that all persons "who had lent money for his Majesty's service in the present war, "upon the credit of the late act for 125,000*l.*, whose orders were "of the numbers of 99, 100, and so forwards to 126, should take "notice that there remained money for them in bank at the re- "ceipt of his Majesty's exchequer, ready to pay both their prin- "cipal and interest, and should therefore cause their respective "orders and tallies to be brought into the exchequer; and give "their acquittances, that they might receive their loans and inte- "rests according to the said act."

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CHAP. II. 1667.

up the larger ships in ordinary, and to equip only two squadrons of light frigates, one to harass the enemy's trade in the Channel, and the other that in the German Ocean. The duke of York objected with considerable force, that such an expedient was in truth an abandonment of the sovereignty of the sea, and an invitation to the Dutch to insult the English coast, and plunder the maritime counties. But the difficulty of procuring money, and the expectation of a speedy peace, weighed with the rest of the council; and Charles consented to a measure which subsequently gave him keener regret, and brought on him more lasting disgrace, than, perhaps, any other act of his government.

Secret treaty with Louis.

The king of France, who had completed his preparations for the invasion of Flanders in the spring, was anxious to free himself from the incumbrance of the war with England. Through Ruvigni, the agent of the French protestants at his court, he persuaded the earl of St. Alban's, who, it was rumoured, had privately married the queen-mother, to proceed to London and sound the disposition of Charles. The English king earnestly wished to try again his fortune by sea; but the difficulty of fitting out the fleet subdued his repugnance to a treaty, and he consented to send commissioners to Breda, on condition that an armistice should accompany the negociation [95].

[95] Clarendon, 419.

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CHAP. II. 1667.

Louis met with greater difficulty on the part of the States, who, aware that his intended conquest of Flanders must prove injurious to their interests, sought to divert him from his purpose by continuing the war, from which he had recently pledged himself not to withdraw without their consent. But the monarch, irritated by their objections and delays, discovered an expedient by which he disappointed their hopes. Without the knowledge of the ministers at either court, he opened a secret negociation with Charles. Each prince addressed his letters to the queen Henrietta Maria, Louis as to his aunt, Charles as to his mother; and that princess forwarded them to their destination, under covers as from herself. Neither had any real cause of hostility against the other, and the only difficulty arose from a desire in the English king to recover the isles in the West Indies, which had been taken by the French, and on the part of Louis to obtain a pledge that England should not oppose his designs against Spain. At length they compromised these pretensions, and it was agreed that each should abstain from hostilities against the other; that France should restore her conquests in the West Indies; that England, during the space of one year, should afford no assistance to Spain; and that so much of this treaty as was fit to meet the eye of the public should be afterwards inserted in a public treaty. Both kings solemnly pledged themselves to the observance of the articles in a

1666. Dec. 14.

April 14.

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paper under their respective signatures, which for greater privacy and security was deposited with Henrietta Maria, as their common relation and friend [96]. CHAP. II. 1667.

While the secret treaty proceeded, the French ambassador reiterated his demands at the Hague, and four out of the seven provinces, eager for peace, resolved to withdraw their contributions towards the expences of the war. De Witt with his party was compelled to yield; Breda was named for the place of the congress, and in the month of May the ambassadors of the several powers assembled. But the pensionary still thirsted for revenge: he knew that the Dutch fleet was ready to sail, and that England had no fleet to oppose; and he determined not to throw away the opportunity which fortune had placed in his hands. When the armistice was proposed, the Dutch immediately refused their consent, on the ground that it would occupy as much time to discuss its conditions as those of the peace itself; and while the English argued, and the French remonstrated, De Witt left the Texel in company with De Ruyter, and ordered the fleet to the amount of seventy sail, to join him in separate squadrons at the buoy off the Nore. The Dutch fleet in the river. May 14.

The English government was not taken by surprise. The warnings of the duke of York had

[96] For the knowledge of this singular transaction, the first of the secret treaties between Louis and Charles, we are indebted to Louis himself, in his Œuvres, ii. 256, 286, 8, 9; v. 399, 405.

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CHAP. II. 1667.

awakened them to a sense of the danger; and three months before, orders had been issued to raise a fort at Sheerness, to throw a boom across

Feb. 27.

the Medway at the stakes, to mount the guns on the batteries, and to prepare a competent number of fireships. But it was not easy to carry these orders into execution. The commissioners of the navy already owed more than 900,000*l*. Their credit was gone: the sailors refused to serve, the labourers to work, the merchants to sell, without immediate payment: and to procure ready money, either by application to the treasury, or by loan from the bankers, was impossible[97]. De Witt, that he might distract the attention of the council, ordered one division of his fleet to sail up the Thames as far as Gravesend, and the other to destroy, which was his chief object, the shipping in the Medway. The fort at Sheerness opposed

June 9.

but a feeble resistance. Though Charles, to hasten the completion of the works, had visited them twice during the winter, they were still in an unfinished state, and a few broadsides levelled them with the ground. At the first alarm, Monk, by the royal order, hastened to the mouth of the Medway. He erected batteries, and moored guard-ships for the protection of the boom, and sunk five ships before it in the narrowest part of the channel. He had not completed these pre-

June 11.

parations, when the Dutch advanced with the

[97] See Pepys, iii. 156, 162, 9, 174.

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wind and tide in their favour; but the obstruction in the passage opposed an insuperable bar to their progress, and they were compelled to fall back with the ebb. During the night, however, they discovered a new channel, sufficiently deep for large ships at high water, and in the morning worked their way without impediment in this direction. The men of war immediately pointed June 12. their guns against the batteries; and a heavy fireship, running against the boom, hung upon it. A second followed in like manner; the chain broke under their united weight; and, in a short time, the guardships were in a blaze. The hull of the Royal Charles, a first rate, which through neglect of orders had not been removed, became the prize of the conquerors.

Advances to Upnor.

Monk, disappointed but not disheartened, hastened back to Upnor Castle. The night was employed in mounting guns and collecting ammunition: in the morning the batteries were manned with volunteers from the navy; and the return of the tide exhibited a sight most galling to the pride of every Englishman,—the Dutch fleet advancing triumphantly up the river. Two June 13. men of war led the line; then came six enormous fire-ships; after them followed the rest of the squadron. The men of war anchored to receive and return the fire of the batteries; and the fireships, passing behind them, pursued their course, reducing to ashes the three first-rates, the Royal James, the Oak, and the London. At

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CHAP. II. 1667.

the ebb, their commander Van Ghent, whether he had fully executed his orders, or was intimidated by the warm reception which he experienced, made the signal to the fleet to fall down the river, and, having burnt two of his own vessels which had grounded, rejoined in safety the other division at the Nore [98].

Public discontent.

To the English, if we consider the force of the enemy and the defenceless state of the river, the loss was much less than they had reason to expect; but the disgrace sunk deep into the heart of the king, and the hearts of his subjects. That England, so lately the mistress of the ocean, should be unable to meet her enemies at sea, and that the Dutch, whom she had so often defeated, should ride triumphant in her rivers, burn her ships, and scatter dismay through the capital and the country, were universally subjects of grief and indignation. Many attributed it to that eternal source of every calamity, the imaginary machinations of the papists [99]; others were taught to believe that the king had secretly leagued with the enemy for the purpose of depressing the nation, that he might the more easily establish a despotic government; and numbers contrasted the disastrous result of the present war against the Dutch under a king, with the glorious result of the former war under

[98] C. Journals, Oct. 31. Pepys, iii. 237, 241, 2, 5, 50; v. 17. Evelyn, ii. 287, 8, 291.

[99] Pepys, iii. 245, 252.

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a protector. But their reasoning was evidently unjust. Whatever might be the faults of Charles, he had conducted the war with equal spirit, and till this moment with more signal success. Even the disgrace at Chatham, originating from a measure which had been forced upon him by pecuniary distress, had not in reality diminished the power nor impaired the resources of the country.

Treaty of peace.

For six weeks De Ruyter continued to sweep the English coast. But his attempts to burn the ships at Portsmouth, Plymouth, and Torbay, were successively defeated; and, though he twice threatened to remount the Thames, the spirited opposition with which he was received by a squadron of eighteen sail, under sir Edward Spragge, induced him to renounce the design. In the mean time the Dutch negociators, who had purposely protracted the conferences at Breda, began to be alarmed by the rapid progress of the French army in Flanders; for Louis, soon after his secret treaty with Charles, passed the frontiers with an army of seventy thousand men, nominally commanded by himself, but really under the guidance of Turenne. Castel-Rodrigo, the Spanish governor, dismantled several fortresses; Binche, Tournay, Oudenarde, Courtrai, and Douai opened their gates; and Louis was actually occupied in the siege of Lisle, when the States hastened to withdraw their objections to the proposals of England, that they might have leisure to secure themselves against the ambition of their powerful

May 11.

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CHAP. II. 1667.

ally [99]. Three treaties were signed by the English commissioners on the same day. By one with Holland it was stipulated that both parties should forget past injuries, and remain in their present condition, which confirmed to the States the possession of the disputed island of Pulo Ron, and to the English their conquests of Albany and New York. By the second with France, Louis obtained the restoration of Nova Scotia, and Charles that of Antigua, Monserrat, and part of St. Kitts; and by the last with Denmark, which country had acceded to the war, as the ally of the Dutch, the relations of amity were re-established between the two crowns [100].

July 21.

Unpopularity of Clarendon.

There was nothing in the conditions of peace to mortify the pride or to prejudice the interests of the nation; yet the calamities which had accompanied the war, the plague, the fire, and the disgrace at Chatham, though over the two first no human counsels could have had any control,

[99] The success of Louis produced a benefit to England, which was unexpected: it induced "one Brewer, with about fifty Wal-"loons, who wrought and dyed fine woollen cloths", to migrate to this kingdom. "The king entertained them against our bar-"barous law, or rather usage, against foreigners partaking the "benefit of natural-born English; and by them the English, in a "few years time, were instructed to make and dye fine woollen "cloths cheaper by forty per cent. than they could do before". Coke, ii. 161.

[100] See them in Dumont, vii. par. i. 40 – 57. Mém. d'Estrades, iv. 395—428. Temple, i. 481.

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had soured the temper of the people; and Charles, anxious to divert attention from his own misconduct, was not unwilling to sacrifice a victim to the public discontent. Ever since the restoration, Clarendon had exercised the power, though without the name, of prime minister; and to his pernicious counsels it was become the fashion to attribute every national calamity. It must be confessed that, with a correct judgment and brilliant talents, he had contrived, whether it arose from the infirmity of his nature, or the necessity of his situation, to make himself enemies among every class of men. The courtiers had been alienated from him by the haughtiness of his manner, and his perpetual opposition to their suits, their projects, and their extravagance; the friends of liberty, by his strenuous advocacy of every claim which he conceived to belong to the prerogative, and his marked antipathy to every doctrine, which seemed to him to savour of republicanism; and the catholics, the presbyterians, and the several classes of dissenters, by his obstinate and successful opposition to the indulgence to tender consciences, promised by the king in his declaration from Breda. He had offended the house of commons by reproaching them with conduct similar to that of the long parliament, and the house of lords by complaining that they suffered the commons to usurp the lead in public business, and were content with main-

CHAP. II. 1667.

CHAP. II. 1667.

taining their own privileges [101]. The king, indeed, had been accustomed to listen to him with respect, almost with awe. But these sentiments gradually wore away. The courtiers mimicked the gravity of Clarendon in the royal presence; they ridiculed his person and manner; they charged him with interested motives; and represented him as a morose pedagogue, claiming to retain the same control over the mind of the man, which he had once exercised over that of the boy. Charles laughed and reproved; but frequency of repetition insensibly produced effect; and feelings of suspicion and aversion were occasionally awakened in the royal breast. Nor did Clarendon himself fail to aid the efforts of his enemies. He often contradicted the favourite opinions of the king; sometimes carried measures against him in the house of lords; and, on more than one occasion, so far forgot himself at the council table, as to speak with a vehemence and authority which hurt the pride of the monarch. His opposition in the house of lords to the bill for indulgence to tender consciences was never forgotten; and recently, when the plan of putting the treasury in commission was debated during the parliament at Oxford, his conduct had given deep and lasting offence. He was at last taught to feel that, though he might still be consulted as formerly, he no longer enjoyed the royal friendship; and

[101] Clarendon, 383—5.

his political opponents, seeing the slippery ground on which he stood, laboured to precipitate his fall [102]. CHAP. II. 1667.

He is impeached by Bristol. 1663. July 9.

As early as the year 1663, the earl of Bristol, a catholic peer, in a moment of irritation, proceeding from some supposed injury offered to him by Clarendon, requested an audience of Charles in the presence of lord Arlington; and, forgetting the respect due to the monarch, openly reproached him with his indolence, his expenses, and his amours; charged him with sacrificing his best friends, and among them himself, to the ambition of the chancellor, and ended with a threat that, unless justice were done to him within twenty-four hours, he would raise a storm, which should astonish both the king and his minister. Bristol escaped with difficulty from the personal resentment of his sovereign; and the next day, rising in the house of lords, impeached Clarendon of high treason, and of divers heinous misdemeanors. But this pompous denouncement, when he descended into particulars, dwindled into the ridiculous charge that the chancellor had laboured both by his public conduct and private discourse, to create a belief that the king was in heart a papist, and that on himself, his vigilance, and authority, depended the preservation of the protestant establishment. The judges being consulted, replied

[102] Clarendon, 245, 8, 321, 358, 361. Life of James, i 398, 428. Pepys, iv. 268.

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CHAP. II. 1667.

that none of the offences charged, supposing them proved, could amount to high treason; and the king, by issuing a warrant for the apprehension of the accuser, put an end to the prosecution. Bristol absconded for a time, and returned not to court till the fall of his adversary [103].

The king abandons him.

This abortive attempt did not dishearten the enemies of the chancellor. They lost no opportunity of undermining his credit with the king or the nation: men of opposite interests gradually crept into the council; and his refusal to allow his wife to visit Castlemain gave mortal offence both to Charles and his mistress [104]. The reader is aware of Buckingham's conduct during the last session of parliament. At its conclusion, the king, who had obtained from one of his agents secret information of his intrigues, deprived him

[103] Clarendon, 208. L. Journals, xi. 55, 59, 60. St. Trials, 312—8. Life of James, i. 427. Pepys, ii. 62, 70, 90, 95. Clarendon attributes Bristol's enmity to the king's refusal of supplying him with money, which refusal he attributed to the chancellor. But the real offence arose out of the following circumstance:—When Charles was annoyed by the reflections made in the house of commons during the debate on the revenue, he informed the house that sir Richard Temple, a leader of the opposition, had offered, on certain conditions, to obtain for him a more ample revenue than he could desire. At the request of the commons, he named the earl of Bristol as the bearer of the offer; who hastened to the house, and, being admitted, in an ingenious and eloquent speech vindicated both himself and Temple from the imputation. C. Journals, 1663, June 13, 20, 26; July 1. The giving up of his name was the offence, which he imputed to the advice of Clarendon.

[104] Clarendon, 361. Life of James, 28. Macpherson, 35, 7.

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of his offices at court, and ordered him to surrender to the lieutenant of the Tower. The duke concealed himself; but the agent died; Buckingham made his peace with Castlemain, presented himself to the lieutenant, was examined before the council, discharged, permitted to kiss the king's hand, and restored to his former employments [105]. From that moment the doom of Clarendon was sealed. When the Dutch fleet rode victorious in the mouth of the river, he had advised the king to dissolve the parliament, and support the troops on the coast by forced contributions from the neighbouring counties, to be repaid out of the next supply. This counsel was divulged by some of his enemies, and represented as a plan to govern the kingdom with a standing army in the place of the parliament. The imputation was every where received with expressions of abhorrence, and provoked the additional charges of venality and ambition. The presents which he had been in the habit of receiving from all who sought his friendship or protection, were held forth as proofs of his rapacity: that magnificent pile called Clarendon-house was said to be so far beyond the resources of his private fortune, that it must have been raised with the aid of money received from the enemies of his country; and the marriage of his daughter to the duke of

CHAP. II. 1667.

March 11. June 18.

July 16.

[105] Clarendon, 434. Pepys, iii. 276, 287, 8, 292. Carte, ii. 347, 9.

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CHAP. II. 1667.

York was attributed to his desire of becoming the father of a race of monarchs; a desire which had moreover led him to introduce to the royal bed a princess incapable of bearing children, that the crown might descend to the issue of the duchess[106]. The latter charge was not only circulated in public, but insinuated to Charles himself, together with the information, that the convention parliament would have settled a much more ample revenue on the crown, had not its liberality been checked by the jealousy or the presumption of Clarendon[107]. If the king appeared to listen to these suggestions, he still refused to believe that the chancellor had been unfaithful to his trust in any point of importance: but he was daily beset by Buckingham, Arlington, sir William Coventry, and lady Castlemain, who represented to him the discontent of the nation, the power of the chancellor's enemies, and the probable consequences of an impeachment in parliament; and he at last informed that minister, through the duke of York, that he expected him to resign, as an expedient by which he might at the same time save

[106] "How far this jealousy may have entered into the king himself, to make him more easily part with his minister, I leave it for others to guess". Life of James, 393. Burnet, i. 435.

[107] "Some have thought, not improbably, that this remissness of his proceeded from a jealousy that the king was inwardly inclined to popery". Life of James, 393. On the contrary, it is said by sir William Coventry, that it proceeded from an overweening opinion of his own influence, "that he could have the command of parliaments for ever". Pepys, iv. 276.

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himself from prosecution, and spare his sovereign the pain of taking his office from him. CHAP. II. 1667.

But the pride of Clarendon scorned to bend to the storm; and consciousness of innocence urged him to brave the malice of his enemies. He waited on the king, and avowed his determination not to resign—it would amount to a confession of guilt; expressed a hope that the seal would not be taken from him—it would prove that his sovereign was dissatisfied with his services; and conjured him to disbelieve the suggestions of lady Castlemain—for she was an angry and vindictive woman. After a conference of two hours, he retired, leaving the king disappointed by his obstinacy, and offended by his allusions to "the "lady". The duke of York pleaded strongly in behalf of his father-in-law. But he himself was no longer in favour: the influence of the brother yielded to that of the mistress; and the chancellor received a positive order to surrender the great seal, which was delivered to sir Orlando Bridgeman, chief justice of the common pleas [108]. And deprives him of the seal. Aug. 26. Aug. 30.

[108] Clarendon, 422—5, 7, 435—40. Life of James, 427—9. Macpherson, Pap. 138. Pepys, iii. 332, 8. Pepys tells a laughable story of Castlemain, who, when she heard about noon that Clarendon had left the king after their interview, leaped out of bed, and ran into the aviary, that she might observe his countenance as he passed. 334.—Bridgeman was unfortunate in his promotion. Afraid of deciding wrong, he laboured to please both sides, and always gave something to each of the contending parties in his court. He lost his reputation. North's Lives, &c. i. 179.

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CHAP. II. 1667.

In six weeks the parliament assembled. Buckingham had previously been restored to his place in the council and the bed-chamber; and Bristol, issuing from his retirement, had appeared again at court. To an address of thanks from the two houses for the removal of the chancellor, the king replied, by promising never more to employ him in any capacity whatsoever. It may be that by this promise he hoped to satisfy the enemies of Clarendon; but they argued that the fallen statesman might, on some future day, recover the favour of his sovereign, or be restored by his son-in-law, should that prince succeed to the throne; their personal safety demanded precautions against his subsequent revenge; and, to consummate his ruin, it was resolved to proceed against him by impeachment. Seventeen charges were fabricated in a committee of the lower house, imputing to him venality and cruelty in the discharge of his office of chancellor, the acquisition by unlawful means of enormous wealth, the sale of Dunkirk to France, the disclosure of the king's secrets to his enemies, and the design of introducing a military government without the intervention of parliament. Nothing, however, could be more informal than the proceedings on this occasion. No papers were ordered, no witnesses were examined; the several charges were adopted on the credit of members, who engaged to produce proof whenever it might be deemed necessary; and the

He is impeached by the commons. Oct. 15.

Nov. 6.

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house in a body impeached Clarendon at the bar of the house of lords of high treason, and other crimes and misdemeanors, requesting, at the same time, that he might be committed to custody, till they should exhibit articles against him [109]. CHAP. II. 1667. Nov. 12.

It is probable, that from the absence of the duke of York, (he was confined to his chamber by the small-pox,) the enemies of Clarendon had promised themselves an easy victory. But the duke commissioned his friends to defend his father-in-law; the bishops felt themselves bound to support him as the patron of orthodoxy; and several peers, convinced of his innocence, cheerfully seconded their efforts. They did not, indeed, dare openly to advocate his cause, but they entrenched themselves behind forms and privileges; they contended that to commit on a general charge was contrary to ancient practice; that the first precedent in its favour was furnished by the impeachment of the earl of Strafford, a precedent which the house would not follow, because the attainder had been reversed, and the proceedings erased from the journals; and they maintained that the lords ought to be careful how they sanctioned a pretension, which might prove in future times prejudicial to them and their posterity. After several animated debates, it was twice resolved by a small And protected by the lords. Nov. 14. Nov. 20.

[109] C. Journals, Nov. 6, 8, 11. State Trials, vi. 330. Clarendon, 445—8, 450. Life of James, i. 431. Pepys, iii. 410, 411, 420.

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CHAP. II. 1667.

majority, that the accused should not be committed, because no specific charge was contained in the impeachment [110].

Charles orders him to quit the kingdom.

The commons resented this decision of the lords: conferences were repeatedly held, and each house pertinaciously adhered to its former opinion. The king's perplexity daily increased. He observed that the proceedings began to take the same course as in the impeachment of the earl of Strafford; and the calamities which followed the condemnation of that nobleman stared him in the face. He proposed, as an expedient, that the earl should clandestinely leave the kingdom: but no argument, no entreaty, could pervail on Clarendon to take a step which he deemed derogatory from his character; and the monarch, irritated by his obstinacy, began to speak of him in terms of aversion. His enemies now ventured to make use of the royal name. It was rumoured that the king had also offences to punish; that Clarendon had presumed to thwart him in his amour with the beautiful Miss Stewart, and had persuaded her to

Nov. 16.

marry the duke of Richmond. The earl, in a letter which he sent by the lord keeper, denied this charge: the king read it, burnt it deliberately in the flame of a candle, and coolly replied, that he

[110] Clar. 450. L. Journ. 135—7. Pepys, iii. 415. Clarendon, in a letter to Ormond, says, "I must not omit to tell you that the "duke of York hath been and is as gracious to me, and as much "concerned for me, as is possible. I have not many other friends "to brag of." Carte, ii. App. 38.

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was unable to understand its contents, but wondered what Clarendon was doing in England [111].

This hint, however, was lost on the determined mind of the fallen minister. It was followed by an unavowed message delivered by the bishop of Hereford; the same advice was then urged by the French ambassador, and, when every other expedient had failed, the duke of York, by express command, carried to him a royal order to retire to the continent. He reluctantly obeyed; and having addressed a vindication of himself to the house of lords, secretly withdrew to France [112]. Nov. 29.

He is banished by act of parliament.

His departure put an end to the quarrel between the two houses [113], but did not satisfy the resent-

[111] Clarendon, 454—6. Life of James, i. 432. L. Journ. 154. That Charles was offended with the marriage, is certain. Clar. 453. If we may believe Stewart herself, she wished to marry to relieve herself from his importunities, and therefore accepted the offer of the duke of Richmond with the king's acquiescence. Pepys, iii. 203. But the report was that Charles thought of her for his own wife, that he consulted Sheldon, archbishop of Canterbury, on the means of procuring a divorce, that Sheldon revealed the secret to Clarendon, and that Clarendon, to secure the succession to his daughter's issue, brought about the marriage of Stewart with the duke of Richmond. Burnet, i. 436. Lord Dartmouth's Note, 438. Pepys, iii. 293. It makes against this story, that, when a divorce was suggested afterwards to Charles, he replied that his conscience would not permit it. Life of James, i. 439.

[112] It is certain that the duke took the order to Clarendon; yet lord Cornbury says, that his father withdrew, because it was intended to dissolve the parliament, and try him by a jury of peers. Carte, ii. App. 39.

[113] The commons, however, entered two resolutions on their journals, that in such cases the accused ought to be secured, and

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CHAP. II. 1667.

ment or the apprehensions of his enemies. His vindication was voted a scandalous and seditious libel, and ordered to be burnt by the hands of the common hangman. In a few days followed an act banishing him for life, disabling him from holding office, subjecting him to the penalties of high treason, if he returned to England, and rendering him incapable of pardon unless by act of parliament [113].

Dec. 9.

Dec. 29.

Notwithstanding this severity, it is certain that he fell a victim to the hostility of party. The charges against him were not supported by any lawful proof, and most, if not all, were satisfactorily refuted in his answer [114]. Yet he must not be considered an immaculate character. His dread of republicanism taught him to advocate every claim of the prerogative, however unreasonable, and his zeal for orthodoxy led him to persecute all who dissented from the establishment. He was haughty and overbearing; his writings betray in many instances his contempt for veracity: and his desire of amassing wealth provoked Evelyn to remark of him, that "the lord chancellor never did, nor would do, any thing but "for money [115]". He bore with impatience the

that, when he is in custody, the lords may limit a time within which the particular charge may be specified. C. Journ. December, 5.

[113] L. Journ. 154, 157, 162, 7, 9. St. 19, Car. ii. c. 10.

[114] Clarendon, 478.

[115] See Historical Inquiry respecting the character of Clarendon, by the Hon. George Agar Ellis, 1827.

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tedium of exile; but his frequent solicitations for permission to return were treated with neglect by Charles, who felt no inclination to engage in a new contest for the sake of a man, whom he had long before ceased to esteem. Clarendon died at Rouen in Normandy, in 1674.

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CHAP. III.

CHARLES II.

THE TRIPLE ALLIANCE—SECRET NEGOTIATION WITH FRANCE—CONVERSION OF THE DUKE OF YORK—INTRIGUES TO ALTER THE SUCCESSION—DIVORCE OF LORD ROOS—VISIT OF THE DUCHESS OF ORLEANS—SECRET TREATY WITH FRANCE—DEATH OF THE DUCHESS—SECOND SECRET TREATY—MISCELLANEOUS EVENTS—CHARACTER OF THE CABAL—STOPPAGE OF PAYMENTS FROM THE EXCHEQUER—DECLARATION OF INDULGENCE—OF WAR AGAINST THE STATES—VICTORY AT SOUTHWOLD BAY—FRENCH CONQUESTS BY LAND—PROCEEDINGS IN PARLIAMENT—THE INDULGENCE RE-CALLED—THE TEST ACT PASSED.

CHAP. III. 1668.

BY the exile of Clarendon the ministry, which had been established at the restoration, was entirely dissolved. The duke of Ormond resided in his government of Ireland, Southampton was dead, Albemarle incapacitated by age and infirmity, and Nicholas had resigned. The new cabinet, or, as it was called in the language of the time, "the king's cabal[1]", consisted of the duke of

The new ministry.

[1] Pepys, iv. 243. The word "cabal" at this period meant a secret council. See the Diaries of Pepys and Evelyn, and Whitelock, (p. 477) as early as the year 1650. By D'Estrades the

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Buckingham, who held no ostensible office till he purchased that of master of the horse from Monk, of sir Henry Bennet, now lord Arlington, principal secretary of state, of the lord keeper Bridgman, and of sir William Coventry, one of the commissioners of the treasury [2]. Of these, Coventry, by his superior information and abilities excited the jealousy of his colleagues; but unfortunately possessed not the art of pleasing the king, who, from his habit of predicting evil, gave him the name of "the visionary". Buckingham and Arlington were bitter enemies at heart; though the necessity of their situation made them apparent friends. Bridgman was consulted for convenience. Hitherto he had acquired no particular claim to the favour of the monarch, or the confidence of the people.

CHAP. III. 1668.

The rapid conquests of the French king in Flanders during the last summer, had drawn the eyes of Europe towards the seat of war in that country. The pope, Clement IX. through pity for the young king of Spain, and the States, alarmed at the approach of the French arms to

The triple alliance.

present ministers are called "la caballe d'Espagne". D'Estrades, v. 39. The whole council was divided into three committees; one for foreign affairs, the real cabal; another for military and naval affairs; a third for trade; and a fourth for the redress of grievances. Jan. 31.

[2] Southampton, the lord treasurer, died May 16th, 1667, and June 1st the treasury was put into commission. The commissioners were, the duke of Albemarle, lord Ashley, sir Thomas Clifford, sir William Coventry, and sir John Duncombe.

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CHAP. III. 1668.

their frontier, offered their mediation. To both Louis returned the same answer, that he sought nothing more than to vindicate the rights of his wife: that he should be content to retain possession of the conquests which he had already made, or to exchange them either for Luxembourg, or Franche-comté, with the addition of Aire, St. Omer, Douai, Cambrai, and Charleroi, to strengthen his northern frontier; and that he was willing to consent to an armistice for three months, that the Spanish government might have leisure to make its election between these alternatives. But Spain was not sufficiently humbled to submit to so flagrant an injustice; the time was sullenly suffered to pass by, and the mediators renewed their instances to obtain from Louis a prolongation of the armistice for the additional space of three months. He consented to abide by his former offer during that term; but refusing the armistice, overran in the mean time the whole province of Franche-comté, for the sole purpose, as he pretended, of compelling Spain to come to a decision [3].

1668. Jan. 17.

Temple sent to the Hague. 1667. Dec. 22.

If it was the interest of England, it was still more the interest of the States, to exclude France from the possession of Flanders. Under this persuasion, the new ministers had despatched sir William Temple to the Hague, with a proposal

[3] Œuvres de Louis XIV. ii. 326, 334, 344—55; v. 419.

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that both nations should unite with Spain, and compel the French monarch to retire within the former limits of his kingdom. The States were embarrassed. On the one hand, they considered the interposition of the Spanish Netherlands as the great bulwark of their independence against the superior power of France: on the other, they hesitated to engage in a dangerous war against an ancient friend and ally at the advice of a prince whom they knew to be their personal enemy. But Temple acted with promptitude and address; he appealed to their fears; he represented the danger of delay, and, contrary to all precedent at the Hague, in the short space of five days he negotiated three treaties, by which, if he did not succeed to the full extent of his instructions, he trusted to oppose at least an effectual barrier to the further progress of the invaders. The first was a defensive league by which the two nations bound themselves to aid each other against any aggressor with a fleet of forty men of war, and an army of six thousand four hundred men, or with assistance in money in proportion to the deficiency in men: by the second, the contracting powers agreed by every means in their power to dispose France to conclude a peace with Spain on the alternative already offered, to *persuade* Spain to accept one part of that alternative before the end of May, and, in case of a refusal, to *compel* her by war, on condition that France should not

Jan. 8.

Jan. 13.

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CHAP. III. 1668.

interfere by force of arms[4]. These treaties were meant for the public eye: the third was secret, and bound both England and the States, in case of the refusal of Louis, to unite with Spain in the war, and not to lay down their arms, till the peace of the Pyrenees were confirmed. In a few days, Sweden acceded to the league, which from that circumstance obtained the name of the triple alliance[5].

Louis received the news of this transaction with an air of haughty indifference. His favourite commanders, Condé and Turenne, exhorted him to bid defiance to the interference of the three powers: his cabinet ministers to be content with the alternative which he had himself proposed.

[4] Temple, Works, i. 415. After all, this was little more than the States had already proposed to Louis, as appears from a letter from him, dated Jan. 17, before he had heard of these treaties. Ce seroit un coup pour la paix, qui la rendroit infallible et prompte, si le roi de la Grande Bretagne entroit dans le même sentiment des etats-généraux, d'obliger les Espagnols à l'acceptation des deux alternatives. Œuvres, v. 421. Si la façon en eut été un peu plus obligeante, il n'y auroit en rien à desirer. Temple, i. 490.

[5] Temple's Works, i. 312—84. Dumont, vii. 66, 68. Much praise has been lavished on this negotiation, as if it had arrested Louis in his career of victory, and preserved the independence of Europe. From the references in the preceding and following notes, it will be seen that it accomplished nothing more than the French king himself was anxious to effect. He had already stipulated in the "eventual treaty" with the emperor, to require from Spain the same conditions as were now prescribed by England and the States; he had employed the influence of Leopold to obtain the consent of the Spanish cabinet to those conditions, and he had commissioned D'Estrades to solicit the co-operation of England and the States, both by advice and threats, to extort that consent.

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CHAP. III. 1668.

He assented to their advice; but for a reason, of which they were ignorant. In consequence of the infirm state of the young king of Spain, he had secretly concluded with the emperor Leopold an "eventual" treaty of partition of the Spanish monarchy on the expected death of Charles, and by that treaty had already bound himself to do the very thing, which it was the object of the allied powers to effect [6]. Jan. 9.

Treaty of Aix-la-Chapelle.

The marquess of Castel-Rodrigo, the Spanish governor of the Netherlands, sought delay, under the vain hope of inducing the Dutch (of England he was secure) to engage at once in the war. But the intervention of the emperor, in consequence of the eventual treaty, put an end to the hesitation of the Spanish cabinet; the ambassadors of the several powers met at Aix-la-Chapelle; Spain made her choice; the conquered towns in Flanders were ceded to Louis, and peace was re-established between the two crowns [7]. The conduct of Charles during the whole of this transaction served to raise him in the estimation of Europe. But the States could ill dissemble their disappointment. They never doubted that Spain, with the choice in her hands, would preserve Flanders, and part with Franche-comté. It was this persuasion that induced them to refuse the first pro- April 22.

[6] Œuvres de Louis, ii. 360—72. See the account of the "even-"tual treaty", which was kept secret for almost a century, in the works of Louis, vi. 402.

[7] Temple, 420—56. D'Estrades, v. 351. Dumont, vii. 89, 91. Louis, vi. 417.

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CHAP. III. 1668.

ject of the English ministry, and to prefer the binding of Louis to his offer of the alternative. The result was owing, it is said, to the resentment of Castel-Rodrigo, who, finding that the States would not join with England to confine France within its ancient limits, resolved to punish them by making a cession, which brought the French frontier to the very neighbourhood of the Dutch territory [8].

Proceedings in parliament. Feb. 10.

When the parliament assembled after the adjournment, Buckingham discovered that his success against Clarendon in the last session had proceeded, not from his own influence, but the unpopularity of that statesman. His immediate dependents in the lower house were heard without attention; and the jealousy of the churchmen had been awakened by his close connexion with the presbyterians, that of the cavaliers by his discharge of the republicans, whom the late administration had incarcerated as a measure of precaution. Neither did it add to the reputation of the prime minister that his profligacy had led him, for the sake of lady Shrewsbury, with whom he lived in open adultery, to fight a duel, in which one of his seconds was killed on the spot, and the earl of Shrewsbury, the injured husband, was mortally wounded [9]. The commons began by in-

Jan. 16.

[8] Temple, 414—7.

[9] Pepys, iv. 15. Lady Shrewsbury was daughter to the earl of Cardigan. Report said that, in the dress of a page, she held the duke's horse while he was fighting with her husband.—When

stituting a rigid inquiry into the conduct of persons employed under the former administration. Prince Rupert and the duke of Albemarle had already furnished narratives of their proceedings during the war: commissioner Pett was impeached of culpable neglect in the care of his majesty's ships when the Dutch entered the river; Penn of the embezzlement of prize goods to the value of 115,000*l.*; and Brunkhard, who had absconded, was expelled the house for his presumption in having ordered sail to be slackened during the pursuit after the victory of the 3d of June, 1665. To these proceedings Buckingham had no objection; but, to his surprise, the commons voted only one half of the sum which he demanded under the head of naval expenses, and obstinately resisted all his efforts to obtain some favour for the dissenters, in accordance with the wish of the sovereign. The conventicle act would expire within six months; and Charles, who still felt himself bound by the declaration of Breda, was anxious to prevent its renewal. Aware of the rock on which his former endeavours had split, he was careful to make no mention of the catholics: he confined his request of indulgence to the dissenters among his protestant subjects; but the very report

Buckingham took her to his own house, the duchess observed to him, that it was not for her and his mistress to live together; he replied—"Why so I have been thinking, madam, and therefore "have ordered your coach to carry you to your father's". Pepys, 109.

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CHAP. III. 1668.

of his intention had awakened the usual cry that the church was in danger: on the morning, just before he expressed his wish to the two houses, the commons voted an address to him, to put in execution all the laws against non-conformists and papists; and afterwards, a bill was passed and sent to the lords, having for its object to continue the existing penalties against the frequenters of conventicles. This, however, did not prevent the friends of toleration from proposing, in conformity with the royal suggestion, measures for the comprehension of protestant dissenters; but the motion, after several adjourned debates, was negatived, on a division, by a majority of more than two to one [10].

April 28.

Dispute between the houses.

The remaining business in parliament was now interrupted by a most violent quarrel between the two houses, on a question of privilege. Several years had passed since Skinner, a private trader, preferred to the king in council a complaint of divers injuries which he alleged that he had suffered from the agents of the East-India company. After several hearings, the council commissioned the archbishop of Canterbury, the chancellor, and two other lords, to effect a compromise between the parties; but the company refused to abide by their decision, and the king was advised to recommend the case to the attention of

1666. March 23.

Dec. 6.

[10] Pepys, iv. 34. C. Journals, Ap. 28. Parl. Hist. iv. 413—422.

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the house of lords, as the supreme court of judicature in the nation. But the opponents of Skinner objected to the jurisdiction of the lords. The cause, it was maintained, did not come before them by way of appeal, or bill of review, or writ of error. It was an original complaint, which must be first heard in the ordinary courts of law. In the following session, Skinner petitioned the lords for redress; the company renewed their objection; but the house pronounced the complainant entitled to damages, and appointed a committee to assess the amount. After the adjournment, the company petitioned the house of commons for protection against the usurpation of the lords. By the upper house this petition was voted a scandalous libel: the lower not only received it, but passed resolutions censuring the conduct of the lords as contrary to law, and derogatory from the rights of the subject. They were met with opposite resolutions from the upper house, declaring the votes of the commons a breach of privilege, and the proceedings of the lords warranted both by law and precedent. Thus open war was declared; each house obstinately maintained its own pretensions; the lords resolved to pass no other bill than that of the supply; and the commons rejected a bill which had been sent to them for the regulation of the trials of peers. By the king, the ninth of May had been fixed for the conclusion of the session. Early in the morning the commons sent a message to the lords,

CHAP. III. 1668.

1667. Jan. 19. Jan. 28. Oct. 30. Nov. 6. 1668. March 16. May 2. May 4. May 9.

CHAP. III. 1668.

proposing a suspension of all proceedings in the cause till the next meeting of parliament, and having received no answer, resolved that whosoever should put in execution the orders or sentence of the house of lords in the case of Thomas Skinner, should be deemed a traitor to the liberties of Englishmen, and an infringer of the privileges of the house of commons. The king, having given the royal assent to the bills which were prepared, ordered the two houses to adjourn, and expressed a hope that, before he should meet them again, some expedient might be discovered for the accommodation of this difference. The commons obeyed: the lords continued to sit, called before them sir Samuel Barnardiston, the governor of the company, and committed him to the custody of the black rod, till he should have paid to the king a fine of 300*l*. Having thus vindicated their authority, they also adjourned [11].

Licentiousness at court.

At the restoration of peace, trade quickly returned into its ancient channels; the murmurs of discontent were gradually hushed; and the expiration of the conventicle act afforded relief and satisfaction to the dissenters. The present proved

[11] St. Trials, vi. 710—63. L. Journ. xii. 420, 7. Parl. Hist. iv. 422. Marvell, 109. On the 8th of May the commons sate on this question from dinner time till five the next morning. Marvell, i. 107. Pepys, iv. 103. Barnardiston remained in custody till the night of Aug. 10, the day before the expiration of the adjournment. By whose authority he was discharged, he did not know. Parl. Hist. iv. 431.

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the most tranquil period of the king's reign, but it was disgraced by the extravagance and licentiousness of the higher classes. The gallants of the court shocked the more sober of the citizens by their open contempt of the decencies of life [12], while Charles laughed at their follies, and countenanced them by his example. At the same time that he renewed his visits and attentions to the duchess of Richmond, he robbed the theatres of two celebrated actresses, known to the public by the dignified appellations of Moll Davies and Nell Gwin. Davies had attained eminence as a dancer —Gwin attracted admiration in the character and dress of a boy. The former received a splendid establishment in Suffolk-street, and bore the king a daughter, afterwards married into the noble family of the Radclyffes. The latter became the mother of the first duke of St. Albans. Charles never allowed her to interfere in matters of state; but he appointed her of the bed-chamber to the queen, and assigned her lodgings in the neighbourhood of the court. She was so wild, and witty, and eccentric, that he found in her company a perpetual source of amusement, a welcome relief from the cares that weighed so heavily upon him at times, in the subsequent years of his reign. Habit, however, still preserved to Castlemain the empire which she had formerly acquired. She sup-

[12] See Pepys, iv. 116, 118, 145. Sir Charles Sedley and lord Buckhurst distinguished themselves above others. Ibid. 185, 6, 7.

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CHAP. III. 1668.

pressed all appearances of jealousy, and sought her revenge by allowing herself the same liberties in which her paramour indulged [13].

Intrigues of Buckingham.

While Charles pursued his pleasures, Buckingham sought to consolidate his own power. By degrees he weeded all of whose fidelity he was suspicious, out of the different departments of the administration. Secretary Morrice was exchanged for sir John Trevor; the duke of Ormond, after a long struggle, surrendered the government of Ireland to the lord Robartes; and Coventry himself was provoked to furnish a decent pretext for his dismissal. Buckingham had procured a farce to be written for the purpose of ridiculing him on the stage. Coventry sent the duke a challenge; the matter was laid before the king in council; and the challenger was sent to the Tower, and deprived of office. But the principal person, against whom he directed his attacks, was the duke of York. He was aware of the contempt which that prince expressed for his character, and of the influence exercised by the duchess, Clarendon's daughter, over the mind of her husband. James received repeated affronts in the name of the king, which he bore without

[13] Pepys, iv. 10, 14, 90, 111, 223, 250. Evelyn, ii. 339. Burnet, i. 457. Sandford, 652, 4. About this time, May 11, a meteor was seen, and the ignorance and bigotry of the people are amusingly described by Pepys on the occasion. "The world "do make much discourse of it, their apprehensions being mighty "full of the rest of the city to be burned, and the papists to cut "our throats". iv. 112.

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CHAP. III. 1668.

complaint. The conduct of the admiralty was blamed; his friends were displaced; and the dependants of his adversary were introduced into his office in defiance of his remonstrances. It was rumoured that he had lost the royal confidence, and would soon be deprived of his place of lord high admiral. But Charles was recalled to a sense of the protection which he owed his brother, by the boldness of an old cavalier, sir William Armourer, who told him publicly of the reports in circulation respecting his jealousy of the duke of York. He instantly replied, that they were false; and when Buckingham, under pretence of fear for his life from the resentment of James, affected to travel surrounded by armed men, the king laughed in his face at the utter folly of the insinuation. The minister began to feel alarm: he turned to solicit a reconciliation with the duke, and received a contemptuous refusal [14].

Financial measure.

Buckingham, however, might depend on the royal favour as long as he could supply the king with money. That nothing was to be obtained from the liberality of the parliament, had been proved by the proceedings in the last session; and an attempt was therefore made to reduce the

[14] Life of James, 432—40. Macph. Pap. i. 41, 3, 5, 7, 50. Pepys, iv. 151, 5, 8, 188, 191, 2, 5, 246, 9, 255, 7, 262. The reports mentioned by Pepys are confirmed by the duke of Ormond: "Arlington told me that I joined too much in my counsels and "conversation with men unsatisfied: and (which I wondered "at) he named the duke and the archbishop of Canterbury". Carte, ii. App. 67.

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CHAP. III. 1668.

annual expenditure below the amount of the royal income. On examination, it was found that the yearly receipts did not exceed 1,030,000*l.*; by a new regulation, three-fourths of this sum

July 22.

were allotted to defray the expenses of the civil list, and of the remaining fourth, 100,000*l.* was appropriated to discharge the interest of the public debt, the remainder to cover accidental deficiencies, and to pay, as far as it would go, the several pensions granted by the king[15].

Secret negociation with France.

But this plan of economy accorded not with the royal disposition, nor did it offer any prospect of extinguishing the debt. Charles remembered the promise of pecuniary assistance from France in the beginning of his reign; and though his previous efforts to cultivate the friendship of Louis had been defeated by an unpropitious course of events, he resolved to renew the experiment. Immediately after the peace of Aix-la-Chapelle, Buckingham opened a negotiation with the duchess of Orleans, the king's sister in France, and Charles, in his conversation with the French resident, apologized

May 11.

for his conduct in forming the triple alliance, and openly expressed his wish to enter into a closer union, a more intimate friendship, with Louis. These overtures were at first received with coldness and reserve, which, instead of checking, seemed to stimulate the ardour of the king. There was one point in which both monarchs most cor-

[15] See it at length in Ralph. i. 176.

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CHAP. III. 1668.

dially agreed, their hatred of the Dutch. Charles could not forget their inhospitality during the time of his exile; the unsuccessful termination of the late war had strengthened his dislike; and he ardently wished for the opportunity of gratifying his revenge. On the other hand, the pride of Louis had often been offended by the pride of these republicans; and their presumption in acceding to the secret articles in the triple alliance was deemed by him the strongest proof of their ingratitude. About the end of the year the communications between the two princes became more open and confidential; French money, or the promise of French money, was received by the English ministers; the negotiation began to assume a more regular form, and the most solemn assurances of secrecy were given, that their real object might be withheld from the knowledge, or even the suspicion, of the States [16].

Duke of York becomes a catholic.

In this stage of the proceedings Charles received an important communication from his brother

[16] See the papers in Dalrymple, ii. 4—21. They are all published as referring to the same subject. But this is a mistake. The letters of Feb. 27, 1669, in p. 4, and of Jan. 19, 1669, in p. 19, ought to be dated in 1665, and that of Feb. 9, 1669, in p. 21, in the year 1666. This is evident from their contents. Also Macpherson, i. 56. The secret, however, was not kept. For the sole information of the king of Sweden, Puffendorf, his agent, was permitted by Turenne to read a letter from Colbert, the ambassador in England, who boasted of his success, adding that he had made some of the leading ministers to feel, sentir tout l'etendue de la liberalité de sa majesté. This Puffendorf communicated to de Witt. Temple, ii. 40.

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CHAP. III. 1668.

James. Hitherto that prince had been an obedient and zealous son of the church of England; but Dr. Heylin's History of the Reformation had shaken his religious credulity, and the result of the inquiry was a conviction that it became his duty to reconcile himself with the church of Rome. He was not blind to the dangers to which such a change would expose him; and he therefore purposed to continue outwardly in communion with the established church, while he attended at the catholic service in private. But, to his surprise, he learned from Symonds, a jesuit missionary, that no dispensation could authorize such duplicity of conduct: a similar answer was returned to the same question from the pope, and James immediately took his resolution. He communicated to the king in private that he was determined to embrace the catholic faith; and Charles, without hesitation, replied, that he was of the same mind, and would consult with the duke on the subject in the presence of lord Arundel, lord Arlington, and Arlington's confidential friend, sir Thomas Clifford. Of these three, the first was a known catholic; the other two had hitherto professed themselves protestants; but more for fashion's sake, than through any real attachment to the reformed creed. They, like most others in the higher circles of society at that period, had, in the language of James, "their religion still to choose".

Secret consultation.

The meeting was held in the duke's closet. Charles, with tears in his eyes, lamented the hard-

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ship of being compelled to profess a religion which he did not approve, declared his determination to emancipate himself from this restraint, and requested the opinion of those present, as to the most eligible means of effecting his purpose with safety and success. They advised him to communicate his intention to Louis, and to solicit the powerful aid of that monarch [17]. CHAP. III. 1669. Jan. 25.

Here occurs a very interesting question,—was Charles sincere or not? That of the two churches he preferred the more ancient, there can be no doubt. Both the duke of Ormond and Daniel O'Nial had seen reason to suspect him of a secret leaning towards the catholic worship about the time of the conferences at the Pyrenees; and he had recently avowed the same to Arlington and Clifford [18]. But the king's religious belief was of his own creation. To tranquillize his conscience, he had persuaded himself that his immoralities were but trifling deviations from rectitude, which a God of infinite mercy would never visit with severity; and, as for speculative doctrines, the witty and profligate monarch was not the man

[17] James, i. 440. Dalrymple, ii. 22. Macpher. i. 50, 52. See also the travels of Cosmo for the orthodoxy of James, 456.

[18] Carte's Ormond, ii. 254. James, i. 441. That he was a staunch protestant in 1658 is evident from the papers in Thurloe, i. 740—5; but in 1669, the author of Cosmo's Travels remarks, that though he "observes with exact attention the religious rites "of the church of England, there is reason to believe that he does "not entirely acquiesce, and that he may perhaps cherish other "inclinations". 456.

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CHAP. III. 1669.

to sacrifice his ease and to endanger his crown for the sake of a favourite creed. He was the most accomplished dissembler in his dominions; nor will it be any injustice to his character to suspect, that his real object was to deceive both his brother and the king of France. In his next letter to his sister Henrietta, he informs her that the duke had been brought into "the business on the score of religion", and he openly told her at Dover, that "he was not so well satisfied with the catholic religion, or his own condition, as to make it his faith"[18].

Progress of the negociation.

Now, however, the secret negotiation proceeded with greater activity; and lord Arundel, accompanied by sir Richard Bellings[19], hastened to the French court. He solicited from Louis the present of a considerable sum, to enable the king to suppress any insurrection which might be provoked by his intended conversion, and offered the co-operation of England in the projected invasion of Holland, on the condition of an annual subsidy during the continuation of hostilities. To these proposals no direct objection was made; and the discussion turned chiefly on one point, whether the declaration of the king's catholicity should precede or follow the declaration of war.

[18] Dalrymple, i. 226; ii. 22.

[19] Bellings had been secretary to the catholic confederacy in Ireland, and since the restoration had been confidentially employed by Clarendon in several foreign negociations. On this occasion he was instructed to draw the articles of the treaty. James, i. 442.

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James, with all the fervour of a proselyte, urged his brother to publish his conversion without delay. War, by creating a want of money, would render him dependent on the bounty of parliament; but now he was his own master; the army was loyal; all the governors of garrisons were attached to his person: the sufferings of the nonconformists from the intolerance of the established church would teach them to look on any change as a benefit; and within the pale of the establishment itself there were numbers, who had no settled notions of religion, but were ready to fashion their creed by their convenience.

Louis, on the contrary, represented to the king, that a premature declaration might endanger his crown and his person; that nine-tenths of his subjects were hostile to the catholic faith; that religious discord acted with the fury and the rapidity of a volcano; that insurrection was to be expected in the capital and in every part of his dominions, and that his army was too small, his friends were too few, to countenance the hope of his being able to suppress his opponents. Charles made but a faint endeavour to refute this reasoning. The attempt, he acknowledged, wore the appearance of madness, yet there were reasons to think that it might succeed. In these discussions the year passed away. At Christmas the king publicly received the sacrament; the absence of James, who had been accustomed to accompany his bro-

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CHAP. III. 1670.

ther, though it did not escape notice, awakened no suspicion [20].

Meeting of parliament. Oct. 19.

After repeated adjournments, the parliament had been suffered to meet in October. The commons immediately revived the quarrel with the lords respecting the case of Skinner. They ordered the printer of "The Grand Question concerning "the Judicature of the House of Lords" to be prosecuted, voted that Barnardiston had behaved like a good commoner of England, and passed a bill, vacating the judgment pronounced against him, as contrary to law and the privileges of parliament. It was immediately rejected by the lords, who, on their part, passed a bill in vindication of their jurisdiction, which met with a similar fate in the commons. For some time no farther communication took place between the two houses, and the king, to prevent a more violent rupture, put an end to the session by ad-

Dec. 11.

journment. The interval was spent by him in earnest endeavours to heal this misunderstanding; and, when they met again, he recommended to both to erase all the proceedings out of the journals, and to abstain from the renewal of the ques-

1670. Feb. 14. Feb. 22.

tion. They consented: in appearance each house was replaced in the same situation in which it stood before the quarrel: in reality the victory was gained by the commons. By the erasures,

[20] Dalrymple, ii. 30—37. Life of James, i. 442. Macpher. i. 50.

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the two judgments of the lords were vacated, and from that moment their claim to original jurisdiction in civil causes has been silently abandoned [21].

New conventicle act.

The public business now occupied the attention of parliament. 1°. The expiration of the conventicle act had raised the hopes of the dissenters, and the lord-keeper and chief justice Hales had been employed to draw an act of comprehension, by which the greater part of them might be incorporated with the establishment. On the one side, Wilkins, bishop of Chester, with Tillotson, Stillingfleet, and Burton; on the other, Bates, Manton, and Baxter, were consulted; and, to remove the chief stumbling-block, the controversy respecting the validity of presbyterian ordination, it was ingeniously proposed that the bishop in the form of re-ordination should make use of the words, "to serve as minister in any parish in England." But the agitation of the project threw the kingdom into a ferment. Parker and Patrick distinguished themselves by the warmth of their writings in support of orthodoxy, and Owen by his learning, Marvell by his wit, ranked at the head of their opponents. One party contended that, to concede at all was to betray the cause of the church; the other, that a comprehension of the dissenters offered the only sure expedient to check the diffusion of socinianism and popery. The house of

[21] L. Journ. xii. 287, 291. Com. Journ. Feb. 22. Parl. Hist. iv. 431. St. Trials, vi. 763—70.

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CHAP. III. 1670.

commons did not degenerate from the zeal which it had displayed on so many former occasions. A bill for the suppression of conventicles was sent to the house of lords: it met with strong opposition from the duke of York and his friends, as well as from the presbyterian peers; but Charles, though he had promised his protection to the non-conformists, deemed it prudent to interfere, and by his solicitations this intolerant bill was suffered to pass. By it certain fines were enacted against all persons above sixteen years of age who should attend, and all ministers who should officiate, at any religious service different from that of the church of England, against the occupiers of the houses in which meetings for that purpose should be held, and against the magistrates who should neglect to enforce the provisions of the law [22].

April 11.

Sufferings of the non-conformists.

This act subjected the dissenters to a portion of those severities, which had been so frequently inflicted on the catholics. Spies and informers multiplied: the ministers found it necessary to abscond; houses were entered by force, and searched without ceremony; and the inmates were dragged to prison, and condemned to pay fines. That ease, of which the king was so fond, suffered repeated interruptions from complaints and appeals to his justice. When the non-conformists reminded him of his promise of indulgence, he

[22] St. 22. Car. ii. c. i. Burnet, 449—51.

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acknowledged the hardship of their case, and checked the vigilance of the officers: when the magistrates remonstrated, that these religious meetings were hot-beds of sedition, he asked, why then did they not execute the law? and to the clergy who complained of the prevalence of sectarianism, he sarcastically replied, that it would never have been the case, had they paid less attention to their dues and more to their duties. Among the sufferers none excited more admiration than the quakers, by their fearless adhesion to their principles. Disdaining the precautions taken by the other religionists, they proceeded, at the usual hour, openly but peaceably to their meeting house, and, being carried before the magistrates, refused to pay the fines, and were committed to prison. On their release, they returned to the place of meeting as if nothing had happened: the doors were closed; they assembled in the street; and Penn and Mead successively preached. But the auditory was soon dispersed; and the preachers were indicted before the lord mayor and recorder, on the charge of having created a riot. During the trial, the firm and temperate behaviour of the prisoners formed a striking contrast with the harsh and violent proceedings of the court. The jurors, having after a confinement of thirty-six hours, returned a verdict of not guilty, were fined forty marks each, and committed to prison; and Penn and Mead, though acquitted, suffered the

CHAP. III. 1670.

same punishment for contempt, in refusing to uncover their heads in presence of the court [23].

Intrigues to alter the succession.

2°. The mind of Buckingham was still haunted with the apprehensions of revenge on the part of the late chancellor's family, if James were ever to succeed to the crown. The reader will remember that a boy of the name of Crofts, the reputed son of the king by Lucy Barlow, had been placed for education at the Oratory in Paris. Soon after the restoration he came to England; Charles ordered him to conform to the established church, created him, by the advice of Bristol and Castlemain, but in opposition to the remonstrances of the queen mother and Clarendon, duke of Monmouth, and gave to him in marriage the countess of Buccleugh, the most wealthy heiress in Scotland [24]. Buckingham, observing the unbounded affection of the king for this young man, resolved to set him up as a competitor for the crown in opposition to the duke of York. It was confidentially whispered at court that Charles intended to own him for his successor, and the earl of

Feb. 14. 1663.

In favour of Monmouth.

[23] Burnet, i. 471. Neal. c. viii. St. Trials, vi. 951—1036. Sewell, ii. 259—71. James, or perhaps the compiler of his life, tells us that "the rigorous church of England men were let loose, "and encouraged underhand to persecute, that the non-conformists might be more sensible of the ease they should have "when the catholics prevailed". (Life, i. 443.) Marvell that "the lieutenancy of London alarmed the king continually with "the fear of the conventicles, so that he gave them powers". i. 420.

[24] Clarendon, 205, 6, 7.

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CHAP. III. 1670.

Carlisle and lord Ashley ventured to hint to the king, that if he wished to acknowledge a private contract of marriage with the mother of Monmouth, it would not be difficult to procure witnesses who would confirm it with their testimony. The monarch replied without hesitation that, "much as he loved the duke, he had rather see "him hanged at Tyburn than own him for his "legitimate son"[25].

By a divorce.

Buckingham, though disappointed, was not discouraged. He often lamented the king's misfortune in being married to a woman whose repeated miscarriages proved that she would never bear him a successor to the throne. When he offered to steal her away, and convey her to some distant region where she would be never heard of, Charles laughed at his folly: but he was listened to with greater attention when he suggested to the monarch to take another wife. He had already consulted lawyers and divines; and Burnet, afterwards bishop of Sarum, in an elaborate judgment, had decided that barrenness in the woman furnished in certain cases a lawful cause for polygamy or divorce[26]. Of the two a divorce

[25] Life of James, i. 437, 490. Macpher. i. 44 Burnet, i. 452. "As for the duke of Bucks," says Ormond, "I am confident he "not only undervalues, but hates the king's person and his "brother's, and has designs apart, if not aimed at the ruin of them "both". Carte, ii. 377.

[26] See Burnet, i. 454, note; and Higgons on Burnet, 232—243. The paper concludes thus: "I see nothing so strong against polygamy as to balance the great and visible imminent hazards that "hang over so many thousands, if it be not allowed."

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CHAP. III. 1670.

appeared preferable, as it offered less to shock the feelings of the public; but in cases of divorce no instance could be found of a subsequent legal marriage pending the lives of the parties. The duke, however, undertook to create a precedent. Lady Roos had long lived in adultery; she had been separated from her husband by sentence of the ecclesiastical judge; and her children by her paramour had been declared illegitimate by act of parliament. A more favourable case could hardly be wished for; and a bill was introduced into the

March 5. upper house, "to enable the lord Roos to marry "again." Its object instantly transpired; and the royal brothers exerted all their influence; the king to support, the duke of York to oppose, the bill. The latter did not only obtain the votes of his friends and dependants; but, as the question involved a point of doctrine respecting the indissolubility of marriage, he was joined by all the bishops, with the exception of Cosins of Durham, and Wilkins of Chester[27], by the catholic peers, and by such of the protestant peers as deemed it proper to follow, on theological grounds, the

May 17. opinion of the prelates. The second reading was carried only by a small majority: before the third, Charles adopted a measure to animate his friends which surprised both the house and the

March 21. nation. One morning he suddenly entered, took

[27] Marvell adds Dr. Reynolds of Norwich, but it appears from the journals that he did not attend at all during this session.

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his seat on the throne, and desired the lords to proceed, as if he were not present, for he came only to renew a custom which his immediate predecessors had allowed to fall into desuetude, that of attending at their debates[28]. James, who saw the motive of his brother, was stimulated to still more active exertions: and, when the third reading was carried against him by a majority of two, entered his protest on the journals, in which he was followed by thirteen spiritual and fifteen temporal peers. Buckingham triumphed, and yet he gained nothing by the victory. He served a fickle and uncertain master, who changed his resolves according to the impulse of the moment. Charles had entertained with pleasure the project of divorce, as long as its accomplishment appeared distant; but, when the effort was to be made, his sense of justice, perhaps his good nature, assumed the ascendancy, and he refused to avail himself of

CHAP. III. 1670.

March 28.

[28] L. Journ. xii. 318. Evelyn, Diary, ii. 320. The king had previously consulted Sir Robert Cotton, who replied that, it was the custom for the sovereign to be present in parliament till the reign of Henry VIII., that of Henry's attendance no proof could be found, whence it was probable that he had been induced to absent himself by the policy of Wolsey; that Henry's son Edward was prevented by his youth, his daughters Mary and Elizabeth by their sex; and that this disuse during four successive reigns was "the ill occasion of the contrary opinion and practice." It was therefore his opinion that the king had a right to be present in all consultations of state, and discussions of private plaint, "not "only to advise and hear, but to determine also." Whether this right extended to capital cases, he had his doubts; that it did to criminal cases, not of blood, was certain. From his answer in manuscript in the collection of Thomas Lloyd, Esq.

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CHAP. III. 1670.

the benefit to the prejudice of an unprotected and unoffending female. The precedent, however, has not been lost to posterity; and the permission to marry again, which was in this instance granted to lord Roos, forms the authority for the similar permission which has since been regularly inserted in bills of divorce [29].

A supply voted.

3°. There still remained the great object for which the parliament had been permitted to meet. Charles, in his speech at the opening of the session, had assured both houses that the rumours respecting the misapplication of the public monies during the late war were entirely groundless; and that no part of the parliamentary grants had been diverted from its original destination, but that in addition considerable sums, taken partly from his standing revenue, and partly raised on his credit, had been devoted to the same purpose. He therefore requested them to consider the prejudice arising to the national interests from the pressure of an enormous debt, and to supply him with the means of satisfying his creditors. On this occasion he did not plead in vain. His assent to the act against conventicles was the price which he

April 11.

paid; and in return he obtained an additional

[29] L. Journals, xii. 300, 6, 11, 28, 29. Life of James, i. 438, 9. Macpher. i. 48, 53. Burnet, i. 452—5. Marvell, i. 112, 412. From this period Charles generally attended the house. It proved some restraint on his opponents, and furnished him with the means of whiling away his time. "It was," he said, "as good as going to a play." Marvell, 419.

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duty on foreign wines and vinegar for eight years, and an act to advance the sale of fee-farm rents belonging to the crown. It was calculated that the first could furnish the king with 50,000*l.*, the other with a much larger sum [30]. CHAP. III. 1670.

We may now resume the secret negociation. It had been arranged that, while Louis with his queen made a progress through the territory lately ceded to him by Spain, the duchess of Orleans should pay a short visit to her brother Charles at Dover. It was hoped by the French king that she could induce him to depart from his intention of postponing the war against the States, till he had made the announcement of his conversion; her real object was to procure his permission to separate from her husband, and fix her residence in England. Charles received her affectionately, and laboured to gratify her with presents and entertainments; but on both points he remained inflexible: the French ambassador reluctantly consented to subscribe the treaty as it had been drawn by the English commissioners, and Henrietta, with a heavy heart, returned to her state of splendid misery in the court of France [31]. Visit of the duchess of Orleans. May 17. May 22.

[30] L. Journals, xii. 349. I may here notice that though the bankers paid only six per cent interest on deposits in their hands, they now required from the king ten per cent. on the loans advanced to him instead of eight. At the same time the States General paid only two and a half per cent. Temple, ii. 33, 4.

[31] Life of James, i. 448. Macpher. i. 54. Louis was prepared to make every sacrifice to engage Charles in his "grande affaire,"

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CHAP. III. 1670.

Contents of the secret treaty.

Of this treaty, thus at length concluded, though much was afterwards said, little was certainly known. All the parties concerned, both the sovereigns and the negociators, observed an impenetrable secrecy. What became of the copy transmitted to France is unknown: its counterpart was confided to the custody of Sir Thomas Clifford, and is still in the keeping of his descendant, the lord Clifford of Chudleigh. The principal articles were: 1°. That the king of England should publicly profess himself a catholic at such time as should appear to him most expedient, and subsequently to that profession should join with Louis in a war against the Dutch republic at such time as the most Christian king should judge proper. 2°. That to enable the king of England to suppress any insurrection which might be occasioned by his conversion, the king of France should grant him an aid of two millions of livres, by two payments, at the expiration of three months, and six months after the ratification of the treaty, and should also assist him with an armed force of six thousand men, if the service of such a force should be thought necessary:

the war against the States. When Colbert made financial objections to the yearly payment of three millions for the grande affaire, particularly as that affair might last for some years, and draw a considerable quantity of specie out of the realm, he answered, on May 2, "Je sais que vos raisons sont bonnes; je les connois pour "telles. J'ai mandé qu'il falloit combattre jusqu'à la fin; mais, "au pis-aller, ne pas manquer la grande affaire." Œuvres, v. 466.

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3°. That Louis should observe inviolably the treaty of Aix-la-Chapelle, and Charles be allowed to maintain that treaty in conformity with the conditions of the triple alliance: 4°. That if, eventually, any new rights on the Spanish monarchy should accrue to the king of France, the king of England should aid him with all his power in the acquisition of those rights: 5°. That both princes should make war on the united provinces, and that neither should conclude peace or truce with them without the advice and consent of his ally: 6°. That the king of France should take on himself the whole charge of the war by land, receiving from England an auxiliary force of six thousand men: 7°. That by sea Charles should furnish fifty, Louis thirty, men of war; that the combined fleet should be placed under the command of the duke of York; and that, to enable the king of England to support the charge of the naval armament, he should receive every year of the war the sum of three millions of livres from the king of France: 8°. That out of the conquests which might be made during the war, his Britannic majesty should be satisfied with Walcheren, Sluys, and the island of Cadsand; and that, in separate articles, provision should be made for the interests of the prince of Orange, so that he might find his advantage in the war: 9°. And that, to unite more closely the interests and affections of the subjects of both crowns, the

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CHAP. III. 1670.

treaty of commerce already commenced should be speedily concluded [32].

Death of the duchess.

June 5.

June 20.

From Dover, the king repaired to London, his sister to the palace of St. Cloud; and within a fortnight from the time of their parting the fair and fascinating Henrietta, at the age of twenty-six, was, after a few hours' suffering, numbered with the dead. The report that, to punish the infidelity of her husband, she had indulged in similar infidelities, was solemnly contradicted by her in her last moments, and the suspicion that she had been poisoned by his order, with a cup of succory water, received no support from the appearance of the body when it was opened after death. Henrietta left a favourite maid, mademoiselle de Querouaille. Whether it was through his recollection of her beauty, or through regard for his

Nov.

departed sister, Charles, after some time, invited her to England, and appointed her of the bed-

[32] See note (B). It is plain from comparing the treaty itself with the account of it in the life of James, that that prince, or the compiler of the life, was but ill acquainted with the true history of these transactions. He states erroneously that the treaty was concluded and signed, and some of the money paid, in the beginning of the year, and that Henrietta succeeded in persuading the king to waive his right, and to commence with the war against the Dutch. It is remarkable that James left London with Charles for Dover, but on the road was sent back to take care of the metropolis, under the pretence that some disturbance might be caused by the shutting up of conventicles. He reached Dover three days later, and seems to have suspected that Charles wished him out of the way. James, i. 448. Macpher. i. 54.

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chamber to the queen. In a short time she became one of the royal mistresses [33]. CHAP. III. 1670.

It was thought dangerous to confide the secret of the late treaty to a man so unstable in his counsels, so reckless in his resentments, as Buckingham; yet it could not be carried into execution without his aid, and that of his friends and colleagues, Ashley and Lauderdale. The expedient which was adopted does credit to the ingenuity of the two monarchs. The marshal de Bellefonds was sent to England to condole with Charles on the death of his sister, and Buckingham was despatched to France to return the compliment to Louis. The duke was received with distinguished honour: the king consulted him on his intended war against the States, and held out to him the prospect of the command of the auxiliary force, if he could persuade his sovereign to join as a party in the campaign. This was a bait which the vanity of Buckingham could not refuse. On his return he urged the subject on the considera-

1671. Oct. 10. A second treaty.

1670. June 30.

Aug. 1.

Sep. 13.

[33] For the first report, see Temple, ii. 125; for the second, James, i. 451. Montague, the ambassador, says in his letter to Charles, of July 15, "I asked her then if she believed herself "poisoned: her confessor that was by, understood that word, "and told her, Madam, you must accuse nobody, but offer up "your death to God as a sacrifice. So she would never answer "me that question though I asked several times, but would only "shrink up her shoulders." See a letter of condolence from Louis to Charles in the Appendix, note (C). Evelyn, (ii. 332) says, "I saw that famous beauty, but in my opinion of a childish, "simple, and baby face, Mademoiselle Querouaille." See also, 349.

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CHAP. III. 1670. tion of the king and of his colleagues; he obtained permission to open a negotiation with the French ambassador; he amused the two monarchs by complaining of the apathy or infidelity of Arlington and Colbert, who had been instructed to raise objections, that they might irritate his impatience, and entangle him more deeply in the intrigue; and, at length, the dupe had the satisfaction of concluding a treaty, of which he vainly deemed himself the author, but which in reality was a mere copy of the former, with the sole omission of the article respecting religion [34].

Nov. 19.

1671. Jan. 23.

Evasions by Charles.

To this farce was added another. When the first instalment became due, Louis inquired of his good brother, whether he was yet prepared to make the declaration of his catholicity. Charles replied, that he thought it advisable previously to consult the pope, and to obtain such conditions as might render the change less objectionable to his people. This answer was approved, and, in consequence, a vigorous attempt was made to induce him to join in the war first, and publish his conversion afterwards. But the king was inflexible, and to a second requisition replied, that he could discover no person fit to be trusted with so delicate a negotiation. Louis offered the bishop of Laon, whose services were accepted; but, in a few days, it occurred to Charles that the reigning pontiff was old and infirm, and that it would be

1670. Sep. 18.

Oct. 13.

[34] Dalrymple, ii. 68—77. Œuvres de Louis, v. 471, 4.

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more prudent to wait till the accession of his successor: next he determined to employ an Englishman, and spent some time before he named the president of the English college at Douai; then he contrived to obtain a delay of three months, under pretence of framing and amending the instructions to be given to this envoy; and at last honestly declared that existing circumstaaces compelled him to postpone the execution of his design to some more favourable opportunity. A year later Louis returned to the same subject, and Charles objected religious scruples, which made him desirous of consulting some celebrated theologian, but a theologian also skilled in chemistry, that the subject of their conversations might be supposed to be his favourite science. Soon afterwards he determined to make the celebration of mass in English, and the administration of the sacrament under both forms the indispensable conditions of his conversion. But Louis was then satisfied: he had obtained his purpose of drawing the king into the war, and therefore ceased to call for a declaration, which must have rendered him a useless and burthensome ally [35].

CHAP. III. 1670.

Nov. 7.

1671. Feb. 15.

1672. March 11.

June 7.

With the hope of procuring another supply, Charles had summoned the parliament in autumn; and the lord keeper in his name informed the houses of the several treaties which had been made for the encouragement and protection of

Meeting of parliament.

Oct. 24.

[35] Dalrymple, ii. 62—5, 83, 4.

CHAP. III. 1670.

commerce, directed their attention to the naval and military preparations of France and Holland; and announced the king's determination to fit out a fleet of fifty sail, to protect the British coasts from such insults as they had suffered in the year 1667. But for this money would be requisite. The last grant had enabled him to pay the interest, and extinguish a portion of the debt. But a considerable part was still unredeemed; and the best means of sustaining the fame and interests of the nation was to give him at once a speedy and plentiful supply. The ministers had been careful to secure a majority in the commons. Charges of prodigality were made, and hints of popery and arbitrary power were thrown out in vain; and the sum of two millions and a half to be raised from different sources, was cheerfully voted. During the debate, a member suggested a tax on the frequenters of the theatre; and when it was said that the theatre contributed to his majesty's pleasure, sir John Coventry sarcastically inquired, whether "his majesty's pleasure lay "among the men or the women players"? The expression was bitterly resented at court; the gallants resolved to punish the insult offered to their sovereign; and the duke of Monmouth committed the task of revenge to Sandys, his lieutenant, and O'Brian, the son of lord Inchiquin. These, taking with them thirteen of their troop, surprised Coventry in the Haymarket, as he was repairing to his lodgings, in the evening after the house had

Assault on Coventry.

Dec. 21.

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adjourned during the Christmas holidays. They beat him, threw him on the ground, and made a deep incision on his nose with a pen-knife. This outrage, perpetrated with the connivance of the king, and against the remonstrances of the duke of York, created feelings of discontent in the house. It was resolved the first thing after the adjournment not to proceed with the public business till reparation had been made to the commons of England for the injury inflicted on one of their members; an act was passed, ordering the offenders to surrender themselves to justice under the penalty of banishment without the possibility of pardon, and the maiming or disfiguring of the person was made, for the first time, felony without benefit of clergy. Charles dared not interfere for the protection of his champions: and the commons, appeased by his forbearance, passed the money bills through their several stages [36].

CHAP. III. 1671.

1671. Jan. 9.

Proceedings against the catholics.

This benefit was, however, purchased with the

[36] St. 22, 23. Car. ii. c. i. Marvell, i. 413. Macpher. i. 57. Ralph, i. 193. Burnet, i. 469. Lord Dartmouth informs us that Coventry after this was much engaged with the whigs, and professed himself a zealous protestant, yet died a catholic, leaving the bulk of his estate to the college of the Jesuits at St. Omer. Ibid. note. Monmouth, the real contriver of the outrage, escaped, and in a few weeks committed a still more atrocious offence. On the night of Feb. 28th, in company with the young duke of Albemarle and eight others, in a drunken frolic, he attacked the watch, and killed the beadle of the ward, though the poor man on his knees begged for his life. Charles to save his son, granted a pardon to all the murderers; but both the crime and the pardon were severely censured by the people. See Marvell, i. 195, 416.

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CHAP. III. 1671.

usual sacrifice to the religious prepossessions of the two houses. Complaints had been made of the growth of popery; that jesuits and priests had become more numerous; that English catholics frequented the chapels of foreign ambassadors; that mass was often celebrated in private houses; that few processes were served out of the exchequer against convicted recusants; that convents and schools had been established for papists; and that two persons openly officiated as popish archbishops in Ireland. Charles, though he was then bound by treaty to profess himself a catholic, published a proclamation, such as was desired by the houses, in which he declared that, "as he had always adhered, against all tempta-" tions whatsoever, to the true religion established, " so he would still employ his utmost care and " zeal in its maintenance and defence". But proclamations had often failed of effect: the more orthodox demanded an act of parliament; and a bill for that purpose was sent to the house of lords, where it was read twice, and committed. A dispute respecting privilege prevented its farther progress [97].

March 10.

March 11.

March 24.

Dispute between the houses.

In a bill imposing new duties on imports, the lords, at the petition of the merchants, had altered some of the rates. The commons acknowledged that, in the case of money bills, the upper house

[97] Com. Journ. Feb. 21; March 1, 10, 11. L. Journals, xii. 451, 468.

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had the power to approve or reject, but denied that it had the power to make alterations. The lords called for some proof of this assertion. Where was the record? When had they forfeited the right? It might as well be said that they had not the power to reject; for, if they could not alter a part, how could they annul the whole? Had they confined themselves to this reasoning, they would probably have embarrassed their opponents; for the attorney-general replied that to give any reason would be to weaken a privilege which the commons had possessed in all ages. But the lords appealed also to precedents: the application of these precedents was disputed by the managers; the controversy became daily more intricate; the obstinacy of the parties augmented; and Charles, though by it he lost a valuable bill, was compelled to put an end to the session. The question had been raised by the imprudence of Buckingham; and the result did not tend to raise him in the estimation of his sovereign [38].

CHAP. III. 1671. April 17. April 22.

Before we proceed, the reader may direct his attention to a few miscellaneous events, which occurred about this time.

1°. In the month of August, 1669, died at the castle of Colombe, near Paris, the queen-mother, Henrietta Maria de Bourbon. It has been the custom to attribute a great portion of the misfor-

Death of the queen dowager. 1669. Aug. 10.

[38] L. Journals, xii. 449, 494, 502, 510. Marvell, i. 471. Parker, 119. Compare Macpherson, i. 58, with Dalrymple, ii. 86.

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CHAP. III. 1671.

tunes of Charles I. to the control which this beautiful princess possessed over the heart, and, through the heart, over the judgment of her husband. But there is reason to believe that her influence was considerably exaggerated by those, whose policy it was to alienate the people from the sovereign by representing him as guided by the counsels of a popish wife. On most questions she coincided in opinion with secretary Nicholas; nor will it be rash to conclude that the unfortunate monarch would have fared better, had he sometimes followed their advice. After the death of Charles, she was privately married to Jermyn, earl of St. Albans, and lived to see the restoration of her son to the crown of his father. Her last years were chiefly spent in acts of charity and exercises of devotion [39].

Of the duke Albemarle. 1670. Jan. 4.

2°. At the commencement of the next year died another celebrated personage, Monk, duke of Albemarle. By Charles his services were always acknowledged, and amply rewarded: but the royalists regretted that the merit of restoring the king should have fallen to an apostate from their cause; and their dislike of the man indulged itself in throwing ridicule and censure on his manners and conduct. It must be owned that there was nothing very brilliant in his character: he was not made to shine in a gay and voluptuous

[39] See "The Life and death of Henrietta," &c. printed for Dorman Newman, 1685, reprinted by G. Smeeton, 1820. Life of James, i. 446.

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court, nor did he seek to support his rank by a splendid and expensive establishment. But the king always treated him with respect, employed him in posts of difficulty and danger, and honoured his remains with a public funeral in Henry the Seventh's chapel. Within three weeks after the death, the duchess (she had been successively his washerwoman, his mistress, and his wife), followed him to the grave [40]. CHAP. III. 1671. Jan. 23.

3°. The duke of Ormond, on the 6th of December, was returning in the dark from a dinner given by the city to the young prince of Orange, when, in St. James's-street, his footmen, who walked on each side, were suddenly stopped; and two men forcibly drew the duke out of his carriage, mounted him on horseback behind a third, and, that he might not escape, fastened him with a leathern belt to the rider. The chief of the banditti hastened beforehand to Tyburn, that he might make preparations for hanging the captive; but, on the road to Knightsbridge, the duke, leaning on one side, and raising with his foot the foot of his companion on the other, contrived to drag him from the saddle. Both fell to the Narrow escape of Ormond. 1670. Dec. 6.

[40] The following portrait of Monk is drawn by the French traveller, Monconis. Monk est petit et gros: mais il a la physiognomie de l'esprit le plus solide, et de la conscience la plus tranquille du monde, et avec cela une froidure sans affectation, et sans orgueil ny desdain: il a enfin tout l'air d'un homme moderé et fort prudent: ses meubles, sa table, et le peu de gens qui le courtisent, marquent assez qu'il n'est pas ambitieux. Moncon. Journ. ii. 82.

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CHAP. III. 1671.

ground: footsteps were heard to approach; and the assassin, having loosened the belt, discharged a brace of pistols at the duke, and instantly fled. The darkness proved favourable to both. The duke escaped with no other injury than what he had suffered in the fall and struggle: his adversary eluded with ease the search of his pursuers. Yet the cause and the perpetrators of the outrage remained an impenetrable mystery. Though a committee of the house of lords instituted an inquiry into the case; though the king promised a reward of 1000*l.* to those who should discover the offenders; though he offered a pardon with the same sum of money to any of the accomplices who should inform against the guilty; no clew could be obtained to lead to their apprehension: only it became known that the chief of the gang was Blood of Sarney, in the county of Meath, the author of a libel called "Mene Tekel", who had been outlawed for an attempt to surprise the castle of Dublin.

Attempt to steal the crown. 1671. May 9.

Soon afterwards a person, in the cassock of a clergyman, sought the acquaintance of Edwards the keeper of the regalia in the Tower, and proposed to him a marriage between his own nephew, and the old man's daughter. About seven in the morning of May 9th, the pretended clergyman, with two companions, called on Edwards, and requested to see the regalia. As soon as they entered the room, they threw a cloak over the keeper's head, and forced a gag into his mouth,

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promising to spare his life, if he remained quiet: but his struggles provoked them to knock him down, and wound him in the belly. The clergyman then put the crown under his cassock, one of his companions secreted the globe in his breeches, and the other having filed the sceptre, deposited the pieces in a bag. Accidentally the son of Edwards came by at the time; the alarm was given; the robbers ran: one of them fired at the first sentinel, who, though untouched, immediately fell; the second offered no resistance; and all three had nearly reached their horses at St. Catherine's-gate, when they were overtaken and secured. They were carried before sir Gilbert Talbot, but the clergyman, who was the leader, refused to answer. Charles himself, through curiosity, or at the instigation of others, attended, when the prisoner improved the opportunity to flatter and terrify the king; he said that his name was Blood; that he had seized the duke of Ormond, and would have hanged him at Tyburn: that he had even on one occasion undertaken to shoot the king himself at Battersea, but, the moment he took his aim, the awe of majesty unnerved him, and his piece dropped harmless to the ground. He was, however, but one of three hundred, who had sworn to revenge each other's blood. The king might act with him as he pleased. He might doom him to suffer—but it would be at the risk of his own life, and of the lives of his advisers—or he might show him

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CHAP. III. 1671.

mercy— and he would secure the gratitude and services of a company of fearless and faithful followers. If the unprecedented attempts of this ruffian excited surprise, the conduct of Charles was a mystery, which no one could understand. He not only forgave the offence offered to himself, but he solicited and obtained for Blood the pardon of Ormond, ordered him to remain as a gentleman at court, and gave him an estate of the yearly rent of 500*l.* in Ireland, probably as a compensation for that which he had previously forfeited [41].

Death of the duchess of York. 1671. May 31.

5°. For a long time the health of the duchess of York had visibly declined, and she died at St. James's in her thirty-fourth year, having been the mother of eight children, of whom only two daughters survived her, Mary and Anne, both afterwards queens of England. She had been educated in the regular performance of all those devotional exercises which were practised in the church of England before the civil war. She attended at the canonical hours of prayer; she publicly received the sacrament in the royal chapel on every holi-

[41] See for both facts sir Gilbert Talbot's Narrative. Lansdowne, MSS. 1659, p. 1—15. Evelyn, who dined in company with Blood at sir Thomas Clifford's, describes him thus: "The man had not "only a daring, but a villainous unmerciful countenance, but very "well spoken, and dangerously insinuating". Evelyn Diary, ii. 341. Blood's companions were Hunt, his son-in-law, and Parret, who had been lieutenant to major-general Harrison under the commonwealth. Charles told Ormond that he had certain reasons for asking him to pardon Blood. He replied that his majesty's command was a sufficient reason. Talbot, ibid.

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CHAP. III. 1671.

day, and once in every month; and she always prepared herself for that rite by auricular confession, and the absolution of the minister. After the birth of her last child, she became still more religious, spending much of her time in her private oratory, and in conversation with divines; and for several months before her death it was observed that she had ceased to receive the sacrament, and began to speak with tenderness of the alleged errors of the church of Rome. Suspicion was excited; and her brother, lord Cornbury, in person, her father, the exiled earl of Clarendon, by letter, endeavoured to confirm her in the profession of the established doctrines. But she had already been reconciled in August to the church of Rome, and in her last illness received the sacrament from the hands of Hunt, a Franciscan friar. Blandford, bishop of Oxford, her protestant confessor, visited her on her death-bed; but the duke informed him of her change of religion, and he contented himself with speaking to her a few words of consolation and advice. Her conversion was known only to five persons; but the secret gradually transpired, and its publication served to confirm the suspicion that the duke himself was also a catholic. He attended, indeed, occasionally on the king during the service in the chapel, but two years had elapsed since he received the sacrament [42].

1670. Aug.

[42] Life of James, i. 452. Burnet, i. 537. Evelyn, ii. 380. Travels of Cosmo, 456.

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CHAP. III. 1671.

The cabal.

Though the second of the secret treaties with France had been concluded in January, the ratifications were not exchanged till June, at which time it is probable that Charles had consented to engage in the projected war against the States, and to postpone to an indefinite period the announcement of his conversion. Louis had already sent presents to the commissioners who signed the treaty at Dover; he now sent others to Buckingham, Ashley, and Lauderdale, who had signed the second treaty in June. In this there was nothing unusual; but, to bind the leading ministers more strongly to his interests, he granted a pension of ten thousand livres to lady Shrewsbury, the mistress of Buckingham; and, when a similar pension was declined by Arlington, bestowed a magnificent present on his wife [43]. The only privy counsellors, entrusted with the secret of the king's connexion with Louis, were Arlington, Clifford, Buckingham, Ashley, and Lauderdale: they formed the cabinet or cabal, in which, according to the practice introduced by Clarendon, every measure was debated and determined before it was submitted, for the sake of form, to the consideration of the council, and with them

[43] Dalrymple, ii. 81, 82. Buckingham, to enhance the merit of his services, asserted that the Spaniards had offered him 200,000*l*. Colbert observes, "Je crois qu'il n'en est rien; mais je crains que "l'appetit de ces nouveaux commissaires (Buckingham, Ashley, "and Lauderdale) ne soit grand." Ibid. 81.——By a singular coincidence, the initials of the names of these ministers form the word "cabal."

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CHAP. III. 1671.

he consulted respecting the preparations for the war. 1°. Arlington, originally sir Henry Bennet, had signalized himself in the civil war, during which he received a sabre wound in the face. From Madrid, where he resided as ambassador from the king, he was recalled and introduced into the ministry by the enemies of Clarendon. To strength of mind or brilliancy of parts, he had few pretensions; but he was an easy and pleasing speaker, was well acquainted with the routine of business, and covered the deepest cunning under the most insinuating address. As the best bred man in the English court, he acquired the favour of the king and of the foreign noblemen whom business or pleasure brought to the capital; and Charles, as a proof of his esteem, married the lord Harry, afterwards the duke of Grafton, his son by Castlemain, now created duchess of Cleveland, to the daughter of Arlington, a most beautiful child only five years old. In the cabinet, the prudence of this minister shrunk from the responsibility of being the foremost to suggest or to defend measures of doubtful tendency; and his timidity afterwards proved his safeguard. It was taken for moderation, and served to mitigate the displeasure and resentment of the people. He retained to the last the friendship of his sovereign [44].

Arlington.

1672. Aug. 1.

[44] Life of James, i. 398. Clarend. Pap. iii. Sup. lxxxi. Evelyn. ii, 372, 432. Macph. i. 48. Burnet, i. 170. Clarendon's Life, 181, 196. Works of Sheffield, duke of Buck. ii. 84.

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CHAP. III. 1671.

Clifford.

2°. The influence which Clifford, by his industry and eloquence, had acquired in the house of commons, had originally recommended him to the notice of the ministers; and under the patronage of Arlington, he had rapidly advanced in preferment. He now held the offices of privy counsellor, treasurer of the household, and commissioner of the treasury. He was brave, generous, and ambitious; constant in his friendships, and open in his resentments; a minister with clean hands in a corrupt court, and endued with a mind capable of forming, and a heart ready to execute, the boldest and most hazardous projects. The king soon learned to prefer his services before those of his more cautious patron [45].

Buckingham.

3°. With Buckingham, his levity and immorality, his ambition and extravagance, the reader is already acquainted. Even when he was considered the prime minister, pleasure formed his favourite pursuit. He turned the night into day, and indulged in every sensual gratification "which "nature could desire, or wit invent." Charles, much as he was amused with the follies of the duke, frequently treated him with contempt:—his princely fortune (a landed estate of 20,000*l.*) insensibly disappeared; his mind became enfeebled with his body; and he lingered out the last years of his life in penury and disgrace [46].

[45] Evelyn, ii. 386, 7. Pepys, Correspondence, v. 79. Macph. i. 48.

[46] Burnet, i. 171. Macph. i. 467. Evelyn, ii. 355. Clarendon, i. 369. North's Lives, i. 97.

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CHAP. III. 1671.

Lauderdale.

4°. Lauderdale made it the great object of his policy, to advance his own fortune by securing the royal favour. He was ungainly in his appearance, and boisterous in his manner; but his experience in business, his ready acquiescence in every wish of the sovereign, and the boldness with which he ridiculed the apprehensions and predictions of his colleagues, endeared him to the monarch. It was not in Lauderdale's disposition to allow principles, either political or religious, to interfere with his interest. A sincere friend to the covenant, he made it the constant subject of ridicule; a violent enemy to the catholics, he lent his support to every measure in their favour; and with a strong predilection towards a limited and constitutional monarchy, he fearlessly executed in his native country, the most arbitrary determinations of the government. For these reasons he had numerous enemies among the dissenters, and the men of liberal principles: and on another account, he had incurred the hatred of all the cavaliers both English and Scots. He was accused of having been a principal in the sale of Charles I. to the parliament, and of having received a considerable portion of the money. But the efforts of his countrymen to bring him into disgrace recoiled on their own heads. The king remained his friend: Middleton, the chief of his enemies, was removed from the government of Scotland, and that high office, after a decent interval, was bestowed on Lauderdale himself. But his triumph served only to multiply his

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CHAP. III. 1671.

enemies. The English cavaliers took up the cause of their northern brethren, and waited with impatience for the favourable opportunity of gratifying their vengeance by accomplishing the downful of the Scottish favourite [47].

Ashley.

5°. Sir Anthony Ashley Cooper formerly possessed the ear of Cromwell: at the restoration, through the influence of Monk, whose friendship he had gained, and of Southampton, whose niece he had married, he was appointed chancellor of the exchequer, and soon afterwards called to the house of lords by the title of baron Ashley. When Charles said of him that he was "the weakest and wickedest man of the age," the king consulted his anger more than his judgment. Ashley possessed talents of the highest order, but made them subservient to his passions and interest. As long as the royal cause promised to be successful, he was careful to suggest the most arbitrary measures and to support them at the expence of liberty and justice: but when the current turned, when the spirit of discontent, which animated the house of commons, led him to anticipate a failure, he divested himself of his employment at court,

[47] Burnet, i. 174. Clarendon, 51. Miscel. Aul. 212, 234. Pepys, 154. In the Scottish parliament, it had been agreed that a certain number of delinquents should be incapacitated from holding office, not openly by the majority of votes, but secretly by way of ballot, to prevent family feuds between the excluders and the excluded. Among the names was that of Lauderdale. But Charles disapproved of the proceeding, and recalled Middleton. See the pleadings before the king in Miscel. Aul. ibid.

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and, coming forward as the champion of popular right, "usurped a patriot's all-atoning name." But whether he served the king, or the king's opponents, he was still the same character, displaying in his conduct a singular fertility of invention, a reckless contempt of principle, and a readiness to sacrifice the rights of others in the pursuit of his object, whether it were the acquisition of power, or the gratification of revenge[48].

Their religion.

Of these five ministers, Lauderdale adhered to the Scottish covenant; Buckingham, with all his ridicule of bishops and servants, called himself an orthodox churchman; and Ashley was supposed to belong to no church whatever. Of Arlington and Clifford, it has often been said that they were catholics. But hitherto they had certainly professed themselves protestants, though, perhaps, like many others, for no better reason than because protestantism was in fashion. For, during the revolutions of the last twenty years, the immorality of the royalists, the cant of the fanatics, and the successive prevalence of contrary doctrines in the pulpits, had, especially among the higher classes, unsettled religious opinion, and rendered men indifferent to particular forms of worship. It may, however, be that the knowledge of the duke's conversion, and of the king's sentiments, made impression on Arlington and Clifford. The latter certainly embraced the

[48] Macph. 70. Dalrymple, ii. 15. Burnet, i. 164, 5. Clarendon, 26, 215.

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CHAP. III. 1671.

catholic faith before the close of the Dutch war: Arlington continued a protestant till his last sickness, when he was reconciled to the church of Rome [49].

They shut up the exchequer.

These were the ministers, with whose assistance Charles determined to engage in the war against the States; a war from which he promised himself an abundant harvest of profit and glory, in the humiliation of a republic, the prosperity of which held out to his subjects the example of successful rebellion; in the superiority which the trade of the British merchants would derive from the ruin of their commercial rivals; and in the additional authority with which he would be himself invested at the head of a conquering army and navy. To obtain these results it was necessary to make the most gigantic efforts, and to provide pecuniary funds commensurate with these efforts. An ample supply had been already granted by parliament; to secure the stipulated subsidy from France a third treaty had been concluded with Louis [50]; and an additional

[49] In May 1671, Evelyn from Clifford's conversation "suspected "him a little of warping to Rome." (Evelyn, ii. 341, 382.) In May 1673, James calls him "a new convert." Life of James, i. 484.

[50] It is plain that a third treaty was concluded in the beginning of 1672. Dalrymple notices it as merely a Latin copy of the second treaty, signed on Feb. 5th; but that it was different in some points, appears from this, that the command of the English auxiliaries was given by it to the duke of Monmouth (Dalrym. ii. 88). The services of Montague were so pleasing to Louis on this

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resource was now discovered by the ingenuity of Ashley or Clifford [51]. The reader is aware that ever since the time of Cromwell the bankers and capitalists had been accustomed to advance money to the government, receiving in return assignations of some branch of the public revenue till both capital and interest should be extinguished. Hitherto the exchequer had maintained its credit by the punctuality with which it discharged these obligations: but now it was proposed, 1°. to suspend all payments to the public creditors for the space of twelve months, which would permit the king to devote the whole of his income to the purposes of the war; and 2°. to add the interest now due to the capital, and to allow six per cent. interest on this new stock, which would afford a reasonable compensation to the holders, for any inconvenience which they might suffer from the delay. Clifford, as one of the commissioners of the treasury, carried this project from the cabinet to the privy council; he endeavoured to defend it on the ground of state necessity;

occasion, that he solicited Charles to send to the ambassador the order of the garter, and allow him (Louis) the pleasure of presenting it to Montague. Œuv. de Louis, v. 493. March 21, 1672.

[51] It seems doubtful with whom this measure originated. Evelyn assigns it to sir Thomas Clifford (Diary, ii. 361, 385), probably because he was chosen to recommend it to the privy council. In Arlington's letters it is attributed to lord Ashley, and James says that "it was he (Ashley) who advised the shutting up the "exchequer." Life, i. 488. See also Burnet, i. 532.

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CHAP. III. 1672.

and requested that no member would raise objections, unless he were prepared to offer some other expedient equally productive, and equally expeditious [52]. Clifford was supported by Ashley: the council gave its consent; and the suspension was announced by proclamation to the public. It stated that the safety of the kingdom rendered it necessary to forbid the payment of any money out of the exchequer in virtue of existing warrants and securities, but promised that the creditors should receive "interest at the rate of six "per cent.: that no person whatsoever should be "defrauded of any thing that was justly due, "and that the restraint should not continue any "longer than one year [53]". By this iniquitous act, a sum of about 1,300,000*l.* was placed at the disposal of the ministers: but the benefit was dearly purchased with the loss of popularity and reputation. Many of the bankers, who had placed their money in the exchequer, failed; a general shock was given to the commercial credit of the country, and numbers of annuitants, widows, and orphans were reduced to a state of the lowest distress [54].

1672. Jan. 2.

Fail in an attack on the Dutch fleet.

In this attempt the five ministers could not fail of success: in the next they met with a signal defeat. It was known that in the month of March

[52] Temple, ii. 181.

[53] Declaration. In the Savoy, by the king's printers.

[54] L. Journ. xii. 526. North, Examen. 37. Parker, 121. Marvell, ii. 475.

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a fleet of Dutch merchantmen, laden with the commerce of the Levant, would pass up the Channel; and a resolution was taken to capture them as lawful prizes, without any previous declaration of war. To the objection that such conduct would resemble the rapacity of the pirate and the highwayman, it was replied, that arrogance and avarice had led the Hollanders to trample on all the received usages of civilized nations, and that they could not reasonably complain, if they received in return such treatment as they had already inflicted upon others[55]. The States, however, were not to be taken unawares. The immense preparations of Louis had opened their eyes to the danger which menaced them; and the recal of Temple, who had negotiated the triple league; and the mission, in his place, of Downing, a man so hateful in Holland that he fled back to England to escape the vengeance of the mob[56], taught them to suspect that Charles was the secret ally of the French king. Under this impression, they were careful to furnish protection to their merchantmen, and to acquaint their naval commanders with the possibility of a sudden rupture between the two nations. The task of intercepting the Dutch fleet was entrusted by the English ministers to sir Robert Holmes, who received orders to take under

CHAP III 1672.

Dec. 4.

1672. Feb. 6.

[55] See the question discussed in Parker, 124.

[56] Downing was sent to the Tower for his cowardice. Temple, ii. 180.

CHAP. III. 1672.

his command all the ships which he should find at Portsmouth, or should meet at sea. Holmes, at the back of the Isle of Wight, saw the squadron of sir Edward Spragge, which had recently destroyed the Algerine navy in the Mediterranean; but, unwilling that another should obtain any share in the glory and profit of the enterprise, suffered him to pass by. The next morning he descried his object, sixty sail of merchantmen, many of them well armed, under convoy of seven men of war. Van Nesse, the Dutch admiral, saw the design of Holmes, and so admirably did he dispose his force, so gallantly was he seconded by the officers and men under his command, that he completely baffled all the efforts of his enterprising opponent. During the night the English admiral received a reinforcement; in the morning he renewed the action; and at last succeeded in cutting off one man of war and four merchantmen, two of which proved of considerable value. The failure was certainly owing to the presumption and ambition of Holmes. To Charles it became a subject of bitter disappointment, both as it diminished the pecuniary resources on which he had reckoned, and as it covered him and his advisers with disgrace. For both his subjects and foreigners united in condemning the attempt, which they would probably have applauded, had it been crowned with success [57].

March 3.

[57] James, i. 456. Macph. Pap. i. 58. Marvell, ii. 478. Heath, 581, 2. Notwithstanding this attack, both parties faithfully ob-

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CHAP. III. 1672.

During the last war with Holland the counsels of government had been distracted, and the most serious alarm had been repeatedly excited, by the close and dangerous correspondence between the foreign enemy and the mal-contents within the kingdom. Since that period the number of the latter had been multiplied by the intolerant enactments against the dissenters; and, to apply a remedy to the evil, the king's advisers determined to carry into execution his favourite project of indulgence to tender consciences. With this view, a declaration was published, stating that the experience of twelve years had proved the inefficacy of coercive measures in matters of religion; that the king found himself "obliged to "make use of that supreme power in ecclesiastical "matters which was not only inherent in him, "but had been declared and recognized to be so "by several statutes and acts of parliament"; that it was his intention and resolution to maintain the church of England in all her rights, possessions, doctrine, and government; that it was moreover his will and pleasure that "all manner "of penal laws in matters ecclesiastical, against

And grant indulgence to dissenters.

March 15

served the provision in the treaty of Breda, that, in case of a rupture, the ships and merchandize belonging to the subjects of either party, and existing in the ports and territory of the other, should not be molested for six months. Eæ naves, merces, et bona quævis motabilia quæ in portibus et ditione partis adversæ hinc inde hærere et extare deprehendentur. Dumont, vii. 47.

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CHAP. III. 1672.

"whatsoever sort of non-conformists or recusants, "should be from that day suspended"; and that to take away all pretence for illegal or seditious conventicles, he would license a sufficient number of places and teachers for the exercise of religion among the dissenters, which places and teachers so licensed should be under the protection of the civil magistrate; but that this benefit of public worship should not be extended to the catholics, who, if they sought to avoid molestation, must confine their religious assemblies to private houses" [58].

Which is accepted by them.

This declaration, like the former, had been moved in the council by Clifford, and seconded by Ashley: the provision respecting the catholics was added to satisfy the scruples of the lord keeper. By the public it was received with expressions of applause or vituperation, as men were swayed by interest or religion. Its opponents complained that it tolerated popery, and consequently idolatry; that, by affording encouragement to schism, and the opportunity of meeting to the factious, it must tend to weaken the stability both of the church and of the throne; and that it claimed for the king a power subversive of a free constitution,—the power of dispensing with the laws. In reply, it was contended by the advocates of indulgence, that religious opinion was beyond the control of government, and that no people could be

[58] Parl. Hist. iv. 515.

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powerful abroad, as long as they were divided by dissension at home; that the public exercise of their worship was still forbidden to the catholics; that the indulgence, by removing religious discontent, was calculated to strengthen both the church and the throne; that no claim was set forth by the king, which did not by ancient usage belong to the crown; and that the power of dispensing with the law in matters ecclesiastical, necessarily grew out of the ecclesiastical supremacy, and in civil matters, out of the very nature of government: for no form of government could be perfect, in which the executive power did not possess the means of providing for the exigencies of the state during the intervals when the legislative power was not assembled. Thus to dispense with the penal laws respecting religion had been the practice of every sovereign since the reformation; and the king himself, during the late war with Holland, had suspended the trade and navigation acts without exciting contradiction or murmur. The result showed the power of interest over principle. The dissenters, who had been in the habit of confining within the narrowest limits the pretensions of the crown, gratefully accepted the indulgence, and presented by their ministers an address of thanks to the king; while the ardent friends of orthodoxy began to dispute their own doctrine of passive obedience, and to think that the prerogative ought to be fettered in those cases, in which

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CHAP. III. 1672.

it might operate in opposition to their own claims and prepossessions [59].

Declaration of war.

In a few days appeared the English and French declarations of war. Louis was content to assert, that after the many insults which he had suffered from the arrogance of the States, to dissemble his resentment would be to detract from his glory.

March 17.

Charles condescended to enumerate the several causes of his displeasure: the unwillingness of the States to regulate with him according to treaty the commerce of the two nations in the East Indies; their perfidious detention of the English traders in Surinam; their refusal to strike to his flag in the narrow seas [60]; and the repeated insults which had been offered to him personally by injurious medals and defamatory publications. It was his duty to maintain the honour of his crown, to preserve the trade and commerce of the nation, and to protect from oppression the persons of his subjects. But, if this consideration compelled him to appeal to arms, it was still his intention to "maintain the true intent and scope of the treaty "of Aix-la-Chapelle, and in all alliances which he

[59] For these particulars and reasonings, see Parker, 251—8. Parl. Hist. iv. App. xli. xlii. Arlington to Gascoign, 66. James, i. 455. It is often said, but certainly without authority, that the lord keeper refused to put the seal to the declaration. Had this been the case, he would probably have been dismissed in March instead of November.

[60] The negotiations on this subject show that the king claimed as a right what the Hollanders would yield only as a compliment. Parker, 106—9.

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" had made, or should make, in the progress of CHAP. III. 1672.
" the war, to preserve the ends thereof inviolable,
" unless provoked to the contrary [61]." In a few days, the king of Sweden, the second party to the triple alliance, acceded to the designs of Charles and Louis, and, under the specious pretence of preserving the peace of Germany, bound himself by a secret treaty, to make war on any prince of the empire, who should undertake to aid the States in the approaching war between them and the king of France [62]. April 4.

[61] Parl. Hist. iv. 512. Dumont, vii. 163, 4. " Yet," says Marvell, " it is as clear as the sun that the French had by the " treaty of Aix-la-Chapelle agreed to acquiesce in their former " conquests in Flanders; and that the English, Swede, and " Hollander, were reciprocally bound to be aiding against whom- " soever should disturb that regulation." (Marvell, ii. 482.) This, though it has been repeated hundreds of times, is far from being an accurate exposition of the transaction. The real object of the triple alliance was to compel the crowns of France and Spain to make peace on the terms already offered by France, and to guarantee to Spain the provinces in the Netherlands which should remain to her after that peace—Tant pour aider à faire finir par leur intervention la guerre qui s'estoit alors allumée entre les deux couronnes, que pour guarantir aussi le plus fortement et efficacement, que faire si pourroit, la paix.—The peace was accordingly made at Aix-la-Chapelle, and the kings of England and Sweden, and the States, signed the act of guarantee—promettent par ces presentes de guarantir le dit traité—and promised if Louis were, under any pretext whatever, to invade any of the territories belonging to Spain,—aucun des royaumes, estats, pays, ou sujets du Roy catholique,—to employ all their forces in resisting the aggression, and obtaining reparation. See the act of guaranty in Dumont, vii. 107. In the treaty between Louis and Charles, the treaty of Aix-la-Chapelle was confirmed, and no infraction of it took place during the war.

[62] Dumont, vii. 169. Miscel. Aul. 68, 70.

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CHAP. III. 1672.

Naval affairs.

The Dutch were the first at sea; and De Ruyter, with seventy-five men of war, and a considerable number of fire-ships, stationed himself between Dover and Calais, to prevent the intended junction of the French and English fleets. The duke of York could muster no more than

May 3. forty sail at the Nore; but with these he contrived, under the cover of a fog, to pass unnoticed by the enemy, and, proceeding to St. Helens,

May 4. awaited the arrival of the French squadron under

May 10. D'Estrées. The combined fleet now sailed in search of the enemy, whom they discovered

May 19. lying before Ostend. But the prudence of De Ruyter refused to engage even on equal terms. Availing himself of the shallows, he kept his opponents at bay, and baffled all their manœuvres with a skill which extorted their admiration. At last he reached Goree, and the duke returned to Southwold bay, that his ships might take in their full complement of men and provisions [63].

Battle of Southwold bay.

May 27.

In a few days, De Ruyter learned, from the captain of a collier, the situation and employment of the English fleet. He suddenly resolved to become the aggressor, sailed from Goree in the evening with his whole force, and would probably have surprised his enemies at anchor, had it not been for the sagacity of Cogolin, the commander of a French frigate. That officer, on account of his ignorance of the coast, had cast anchor during the

[63] James, i. 457—61. Miscel. Aul. 69, 70.

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night at a distance of some miles from Southwold bay. At the first dawn he descried two Dutch men of war of equal force, which immediately brought to, and stood from him, and, concluding from these motions that the main body could not be far distant, he discharged his guns in succession as a signal. James immediately ordered every ship to get under weigh, and take her station in the line: but the wind was easterly, and the tide to leeward, and not more than twenty sail could form to meet the enemy. The duke, with a part of the red squadron, opposed De Ruyter, and the fleet from the Maese; the earl of Sandwich, with part of the blue, Van Ghent and the fleet from Amsterdam. D'Estrées received Banker with the ships from Zealand: but both stood under easy sail to the southward; and, as they never came to close action, suffered comparatively but little injury [64].

CHAP. III. 1672. May 28.

Seldom has any battle in our naval annals been more stubbornly contested. The English had to struggle with a bold and experienced enemy, and against the most fearful disparity of force. Their ships were so intermingled among the multitude of their opponents, that they could afford little support to each other; still they fought with the most desperate courage, hoping to protract the action till they could be joined by the remainder of the fleet in the bay. About eleven o'clock, the

Conduct of the duke.

[64] James, i. 461—5.

CHAP. III. 1672.

duke's ship, the Prince, of one hundred guns, had lost above one-third of her men, and lay a motionless wreck on water. Having ordered her to be towed out of danger, he passed through the window of the cabin into his shaloupe, rowed through the enemy's fire, and unfurled the royal standard in the St. Michael, of ninety guns [65].

Death of the earl of Sandwich.

The earl of Sandwich, in the Royal James, repeatedly beat off the enemies, by whom he was surrounded; carried by boarding a seventy gun ship which lay athwart his hawse, and killed Van Ghent, the commander of the Amsterdam squadron: but, after an engagement of eight hours, the Royal James became unmanageable; of two fire ships which approached, one was sunk by her guns, the second grappled her on the larboard side; and in a few minutes that noble vessel was enveloped in flames. The duke, from a distance to leeward, saw the blue flag towering above a dense column of smoke; and ordered the Dartmouth, and a number of boats, to hasten to the assistance of the crew. Between two and three hundred were saved; the rest, with their gallant commander, perished in the waves [66].

[65] Ibid. 465, 6. So afraid were the sailors of fire ships, that the duke expressly forbad the name to be mentioned during the action. If any man saw a fire ship approaching, he was ordered to communicate his suspicion in a whisper to the nearest officer, 465.

[66] Ibid. 467, 8. He appears to have had a presentiment of his fate. When Evelyn (ii. 369) took leave of him, the earl said, he should see him no more. "No," he added, "they will not

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CHAP. III. 1672.

Victory of the English.

During the afternoon, the other ships joined the fleet, and the combatants began to fight on a footing of equality. About five it was reported to the duke, that the St. Michael could with difficulty be kept afloat, on account of the injury which she had received in her hull; and, trusting again to his shaloupe, he transported his flag to the London. De Ruyter was the first to shrink from the conflict. He sailed about seven to overtake the Zealand squadron; and most of the English took the opportunity of joining D'Estrées to leeward, while the duke, with five-and-twenty sail, remained to the windward of the enemy. Thus terminated this bloody and obstinate engagement. While we give due praise to the conduct of the Dutch admiral, and to the bravery of his men, we must not forget that, with all the disadvantages of surprise, and wind and tide against them, the cool and determined courage of the English obtained the

" let me live. *Had I lost a fleet I should have fared better.* But " be it as it pleases God. I must do something, I know not " what, to save my reputation." Evelyn tells us that Monk and Clifford were accustomed to describe the earl's caution as cowardice, and that the words in italics, allude to his expedition to Bergen. May they not allude to the conduct of Monk, as if he had said: Had I, by excess of courage, lost a fleet, as Monk did, I should have fared better?—" He dined," says Sheffield, duke of Buckingham, " in Mr. Digby's ship the day before " the battle, when nobody dreamt of fighting, and showed " gloomy discontent, so contrary to his usual cheerful humour, " that we even all took notice of it; but much more afterwards". Works, ii. 14.

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CHAP. III. 1672.

victory. They lost one, their opponents three ships of the line [67].

Who pursue the Dutch.

May 29.

In the morning, the two divisions of the English fleet joined, and it was determined to proceed to the Nore; but in a short time De Ruyter, who had sailed to the southward, re-appeared; and James ordered the line to be formed, and made the signal to bear down on the enemy. They immediately fled; a general chase was ordered, and twice the Dutch ships, disabled in the late action, were on the point of falling into the hands of the pursuers, and as often saved by the timely intervention of a fog. On the second day, the Dutch found a secure shelter within the Wierings; and the English fleet returned in triumph to the river [68].

May 30.

Conquests by the French.

By land, the storm, which had so long menaced the States, soon burst on their most distant frontier. Louis had placed himself at the head of more than one hundred thousand men, and was assisted by the counsels of Condé and Turenne. Orsoi, Burick, Wesel, and Rhinberg, fortresses on the Rhine, in the possession of Dutch garrisons,

[67] Ibid. 468—471. "The duke of York himself had the no-
"blest share in this day's action: for when his ship was so
"maimed as to be made incapable of service, he made her lye
"by to refit, and went on board another that was hotly engaged,
"where he kept up his standard till she was disabled, and then
"left her for a third, in order to renew the fight, which lasted
"from break of day till sunset." Works of Sheffield, duke of Buckingham, who was present, ii. 15.

[68] James, i. 475, 8.

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opened their gates; the river itself was passed near Schenck in the face of the enemy; Arnheim, Naerden, Utrecht, Deventer, Zutphen, and Nimeguen, submitted; three out of the seven provinces were torn from the republic, and the French outposts established themselves in the vicinity of Amsterdam [69]. At first the States seemed to abandon themselves to despair: they were roused to exertion by the approach of the enemy, and the sympathy of Europe. The Louvestein faction, hitherto the ally of France, sunk into insignificance: the prince of Orange was declared captain-general of the army, and admiral of the fleet; promises of succour were obtained from the emperor, the king of Spain, and the elector of Brandenburg; and attempts were made to detach Charles from his alliance with the French monarch. The king, indeed, began to waver. The success by sea had not answered his expectations: the conquests of Louis threatened to provoke a general war in christendom; and a rupture between France and Spain would not only overturn the treaty of Aix-la-Chapelle, but also deprive his subjects of the Spanish trade, the most profitable branch of British commerce. With his son, the duke of Monmouth, who, at the head of six thousand British soldiers, served in the French army, were joined, as plenipotentiaries, Bucking- June 12.

CHAP. III. 1672.

[69] For the progress of the French army, see Œuvres de Louis, iii. 139—248.

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CHAP. III. 1672.

ham, Arlington, and Saville, lately created viscount Halifax. The three latter repaired to the Hague, where they assured the States of the pacific disposition of their sovereign [70], and thence, accompanied by deputies, hastened to the camp of the French monarch at Heeswick, where, in union with Monmouth, they signed a new treaty, binding the two kings to act in concert, and never to conclude a peace but by joint consent. The separate demands of Charles and Louis were then communicated to the Dutch ministers. Charles, on his part, required, as the basis of peace, the dignity of stadtholder for the prince of Orange, the honour of the flag as an acknowledgment that England was mistress of the narrow seas, the yearly payment of 10,000*l.* for permission to fish on the British coasts, indemnification for the charges of the war to the amount of one million sterling, and the possession of Flushing, Goree, and the neighbouring fortresses, as security for the payment: Louis offered to restore the three provinces which he had conquered, on condition that the States should cede to him such places as they had formerly wrested from Spain, and such part of their territory as lay on the left bank of the Rhine: should pay to him an indemnification of seventeen millions of livres; should yearly

July 6.

[70] When Buckingham assured the dowager princess of Orange, that they, the ambassadors, would not use Holland like a mistress, but love her like a wife; she replied, "vrayment je croy que vous "nous aymez comme vous aymez la votre." Temple, ii. 260.

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offer him a gold medal in acknowledgment of his forbearance, but in reality as a satisfaction for the insulting medal which they struck at the conclusion of the triple alliance, and should grant to their catholic subjects the free exercise of the catholic worship[71]. The States, at the persuasion of the prince of Orange, indignantly rejected these

[71] Dumont, vii. 205, 6, 8. Miscel. Aul. 71, 72. In the united and the neighbouring provinces, the catholics and protestants were intermixed in considerable numbers, and the intolerance of the States induced them, wherever their influence extended, to abolish the exercise of the catholic worship. This was met with similar intolerance on the other side, and the inconveniences arising from such a state of things induced the protestant elector of Brandenburg, and the catholic count palatine of the Rhine, to conclude in this spring a treaty of equitable adjustment, by which the churches were divided between the two communions, and provision was made for their respective ministers out of the property formerly belonging to the clergy in the duchies of Cleves, Juliers, and Berg, and the counties of Mark and Ravensberg. (Dumont, vii. 171—194.) Louis, following the example, demanded for the catholics within the territory of the States, the use of one church where there were two, and the permission to build another where there was only one, with a decent provision for the clergyman out of the old church property, or some other fund. (Ibid. 205.) This demand, however, gave occasion to the opponents of the court to represent Charles as leagued with Louis in a crusade for the establishment of popery; and, to excite greater irritation, they informed the public that the *principal* church in each town was demanded for the catholics. (Burnet, i. 560.) Another falsehood spread at the time was, that Louis assured the States that he would make peace if they accepted his conditions, whether Charles were satisfied or not. (Marvell, i. 492.) Yet the contrary is the truth. In article xiii. he declares that the acceptance of his conditions will not be sufficient; they must also satisfy the king of England before peace can be made. Dumont, 206.

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CHAP. III. 1672.

proposals. They opened their dikes; the country was placed under water; and the progress of the French arms was suspended.

Proceedings in England.

From this moment the war began to languish both by sea and land. Louis left the camp for his capital, and while part of his army was employed to retain possession of his conquests, the other portion marched to the Rhine to observe the German princes, who were arming in support of the States. At sea, De Ruyter had the prudence to shun a second engagement; and the duke of York cruized in vain off the Dogger Bank to intercept the East India fleet, which found shelter in the river Ems. Charles, however, continued faithful to his engagements with Louis, and, to mark his satisfaction with the conduct of his ministers, he had raised sir Thomas Clifford to the peerage, by the title of lord Clifford of Chudleigh; created lord Arlington earl of Arlington; lord Ashley earl of Shaftesbury; and honoured Buckingham and Arlington with the order of the garter. For a while Shaftesbury seemed to monopolize the royal favour; so delighted was the monarch with the fertility of his invention, and the fearlessness of his courage. Charles deemed himself bound in honour to shelter the bankers, whose money he had locked up in the exchequer, from the pursuit of their creditors. They applied for protection to the court of chancery; but the lord keeper hesitated; he doubted whether it were a case in which he ought to interfere; and Shaftes-

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bury seized the occasion to represent him to the king as an old dotard unequal to his situation. The hint was taken; the seal was transferred from Bridgeman to Shaftesbury; and the new lord chancellor soon exposed himself by his vanity and self-sufficiency to the ridicule of the bar as well as the odium of the people. Instead of the sober and decent robes worn by his predecessors in office, he appeared on the bench in "an ash-coloured "gown silver-laced, and full-ribboned pantaloons "displayed". In the procession to Westminster-hall to open the seal, instead of being conveyed in a carriage, he rode on horseback: and the king's counsel, the law-officers of the crown, and the several judges, were compelled to accompany him in a similar manner, to the great annoyance of some among these reverend personages; one of whom, Mr. Justice Twisden, by the curveting of his horse was laid prostrate in the mire. In his court he professed a sovereign contempt for ancient forms; his orders were made with rapidity, and fashioned after his own fancy; for a few days the counsel did not interrupt him; but he was afterwards so harassed with motions for the explanation and amendment of his orders, that he grew ashamed of his precipitancy, and the imperious reformer gradually sunk into the tamest judge that ever sate on the bench. Mindful, however, of the charge which he had brought against Bridgeman, he was careful to stay the proceedings against the bankers in the inferior courts; but, at the same time, with

CHAP. III. 1672.

Nov. 17.

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CHAP. III. 1672.

a prudent regard to his own security, he appointed a distant day on which he would be ready to hear counsel against this injunction [72].

Clifford made treasurer.

The elevation of Shaftesbury made a vacancy in the commission of the treasury. Charles dissolved the board, and at the recommendation of his brother, gave the staff of lord high treasurer to lord Clifford. The friendship which had so long subsisted between Arlington and Clifford was instantly broken. Arlington charged him with ingratitude, with having by his intrigues supplanted his patron and benefactor. But the king commanded them to be friends. He exculpated Clifford. The refusal of the staff to Arlington arose, he asserted, from his own kindness for that nobleman; from a wish to spare him the disgrace and mortification which he would have entailed upon himself by his want of sufficiency and resolution [73].

Nov. 26.

Elections during the prorogation.

It had been expected that in October Charles would apply to the parliament for money to enable him to open the exchequer in January; and the States flattered themselves with the hope of a powerful opposition on the part of the commons.

[72] James, i. 481. North, 38, 46, 57, 8, 60. It were, however, unfair to omit the praise allotted him by an enemy.

> In Israel's courts ne'er sat an Abethdin
> With more discerning eyes, or hands more clean;
> Unbribed, unbought, the wretched to redress,
> Swift of despatch, and easy of access.
>
> *Dryden, Abs. and Achit.*

[73] Compare James, i. 482, with Evelyn, ii. 386.

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To their disappointment, the two houses were prorogued till February, and the suspension of payment to the public creditors was continued by proclamation for another half year. Shaftesbury improved the interval to add to the number of his dependents in the lower house. During the prorogation several members had died; some had been called to the house of lords. Instead of waiting till the parliament assembled, he issued writs out of chancery for new elections; these writs, with recommendations from the court, were entrusted to the hands of the persons whose return was desired; and they, availing themselves of the opportunity, in general secured their election. It was, however, observed that almost all, whether designedly or not, were dissenters; this circumstance awakened the anger of the cavaliers and the churchmen; and a resolution was taken to dispute the legality of the writs, and consequently of the returns. Colonel Strangeways, an old cavalier of the first opulence and influence in the county of Devon, whose friends had been defeated in four instances by the arts of Shaftesbury, placed himself at the head of the opposition [74].

CHAP. III. 1673. Oct. 30. Dec. 11.

At the opening of the session the king and the chancellor successively addressed the two houses. Charles was an ungraceful orator, but on this occasion he spoke with an ease and dignity which surprised his hearers. Shaftesbury dilated on the

Opening of parliament. 1673. Feb. 5.

[74] Miscel. Aul. 79. Parker, 262, 4. North, 56.

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CHAP. III. 1673.

different topics, which had been mentioned by the king. He justified the declaration of indulgence, and the shutting up of the exchequer; he assumed that the war was popular, and that the pretensions of the Hollanders were so inconsistent with the rights of Great Britain, that "Carthage must be "destroyed"; he ridiculed the jealousy of those who feared that the army raised on account of the war might afterwards be employed against the liberties of the country, and solicited a plentiful supply, to disappoint the expectations of the enemy and secure a speedy and profitable peace[75].

The new elections cancelled.

1°. The first object which occupied the attention of the commons, was the legality of the writs issued during the prorogation; and in this they obeyed the command of the king, whether he already began to withdraw his confidence from Shaftesbury, or was desirous to propitiate the men who had displayed so much devotion to his person. That the chancellor had acted according to the precedent of former times, was certain: the claim set up by the house, that the order for the writ must originate with the speaker, could not be traced to an earlier period than the year 1640; and it seemed reasonable to conclude, that, like the other prerogatives of the crown, this had also been recovered at the restoration. But the house of commons has never surrendered a privi-

Feb. 6.

[75] L. Journ. 523—6. Miscel. Aul. 98.

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CHAP. III. 1673.

lege which it has once exercised: it was contended that numerous inconveniences would arise from the right claimed by the chancellor; and a resolution was passed that the elections were void, and that new writs should be issued in virtue of a warrant from the speaker. The disappointment opened the eyes of Shaftesbury to the real character of the prince whom he served. He saw that Charles was fonder of ease than of power, more disposed to conciliate than to compel, and more likely to sacrifice an obnoxious minister than to put down a fierce and stubborn opposition [76].

The supply voted. Feb. 7.

2°. The house proceeded, in the next place, to the consideration of the supply, and, by an unanimous vote, fixed it at the amount of 1,260,000*l.*, to be raised by eighteen monthly assessments. For this liberal and unexpected grant, Charles was indebted to the exertions of the two leaders of the opposition, Garroway and Lee, who did not escape the suspicion of having sold themselves to the court, though their friends endeavoured to account for their conduct on the specious ground, that they deemed it politic to hold out to the king so large a sum as a temptation to his indigence. He had assured them in his speech, that "he would stick to his declaration of indulgence". They meant to put his resolution to the test. If he yielded,

[76] C. Journ. Feb. 6. Parl. Hist. iv. 507—12. Parker, 262—5. Orleans, 242.

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CHAP. III. 1673.

the money was at his command; if he persisted, no steps would be taken to perfect this previous vote [77].

Address against declaration of indulgence.

3°. The country party now directed all their efforts to procure the recal of the declaration. Of the indulgence itself they affected not to disapprove: their objections went to the form. They were willing to extend relief to the protestant dissenters, but it must be done in a parliamentary way. The royal authority was bounded by the same limits in ecclesiastical as in civil matters: the king might remit the penalties of the offence, but he could not suspend the execution of the law. By the courtiers the claim of the prerogative was feebly supported on the ground of necessity; because the power of dispensing with the law must reside somewhere; otherwise numerous cases might arise during the intervals of parliament, in which the welfare, the very safety of the state, would be sacrificed to an impolitic and unreasonable jealousy. After a long and adjourned debate it was resolved by a majority of one hundred and sixty-eight to one hundred

Feb. 10.

[77] Com. Journ. Feb. 7. Burnet, ii. 13. We are, however, told by North, that sir Thomas Lee, Mr. Garroway, and sir Thomas Meres, "the bell-weathers of the country party", obtained places in the customs, admiralty, and excise, for their occasional compliance with the court (p. 456); and lord Dorchester asserts that Lee received for his services on this occasion the sum of 6000*l.* which one of the clerks of the treasury brought in a hackney-coach to Fleet-ditch, where Lee met him. At a signal they stopped, changed coaches, and drove away. Burnet, ii. 83, note.

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and sixteen, that "penal statutes in matters "ecclesiastical cannot be suspended but by act of "parliament"[78], and this resolution was embodied in an address presented to the king. Feb. 14. Charles required time to consider the question, and then replied, that he was sorry they had Feb. 24. questioned his ecclesiastical authority, which had never been questioned in the reigns of his ancestors; that he pretended to no right of suspending any laws concerning the properties, rights, or liberties of the subject; that his only object in the exercise of his ecclesiastical power, was to relieve the dissenters; and that he did it not with the intention of avoiding the advice of parliament, but was still ready to assent to any bill which might be offered to him, appearing better calculated than his declaration to effect the ends which he had in view, the ease of all his subjects, and the peace and establishment of the church of England. But this answer was voted insufficient; and a second address informed him that he had Feb. 26. been misled by his advisers; that the power of suspending statutes in matters ecclesiastical had never been claimed or exercised by his ancestors; and that his faithful commons prayed from his goodness a more full and satisfactory reply to their petition[79].

[78] C. Journ. Feb. 10. Yet Burnet describes it as "a very unanimous resolution", ii. 6.

[79] C. Journ. Feb. 14, 24, 26. L. Journ. xii. 540. Parl. Hist. iv. 518—34, 46—51.

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CHAP. III. 1673.

By Charles this second address was received as an insult. He declared that he would dissolve the parliament rather than submit to the dictation of his enemies. Shaftesbury, Clifford, Buckingham, and Lauderdale applauded his spirit: the duke of York, though he differed from them on most subjects, concurred with them in this. Concession, it was argued, had been the ruin of the father, it would prove the ruin of the son: to bend in one instance would only lead to additional demands. Let him assume a determined and authoritative tone; let him show that he would never resign a single right of the crown; the opposition would then melt away, and the proudest of his opponents would learn to crouch at the feet of the sovereign. Animated by their discourse, Charles gave himself credit for a degree of resolution which he did not possess: and, when Arlington conjured him to yield, scornfully rejected the advice of his timid and time-serving counsellor. It was determined to oppose one house to the other. In a short speech to the lords, the king complained of the encroachments of the commons, ordered their addresses and his answers to be laid on the table, and solicited the advice of the peers, the hereditary counsellors of the crown. Clifford spoke with his accustomed boldness; but Shaftesbury, who began to doubt of the result, betrayed a disposition to court popularity. His individual opinion was, he said, in favour of the prerogative; but he would not ven-

The king appeals to the lords. Feb. 27.

March 1.

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ture to place it in the balance against the authority of so august a body as the house of commons. After a long debate, the lords resolved without a division, that the king's proposal to settle the question in a parliamentary way was a good and gracious answer [80].

CHAP. III. 1673.

March 4.

The public had watched with intense interest these proceedings in parliament, and many thought that they discovered in them the certain prognostics of a second civil war. By the States the hope of a dissolution was cherished: thus the aid of 1,260,000*l.* would be intercepted, and the king be compelled to conclude a peace, or to adopt the defensive system which had been attended with indelible disgrace in the late war. The sagacity of Louis suggested to him the apprehension of similar results. By his order Colbert waited on the king, represented to him the disastrous consequences of a breach between him and the parliament, exhorted him to yield for the moment, and promised on the return of peace, to aid him with men and money for the purpose of recovering the rights, which he might be induced to surrender. The resolution of Charles was already exhausted by its previous efforts: he willingly listened to the counsels of the ambassador: the

He cancels the declaration.

March 7.

[80] L. Journals, xii. 539, 543. Dalrymple, ii. 89. Orleans, 240. Burnet, ii. 7, 8. There is, however, in Burnet's narrative, so much unquestionably false, that it is difficult to judge what may be probably true. But his account of Shaftesbury's speech is confirmed by the lord keeper Guilford. Dalrymple, ii. 90.

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CHAP. III. 1673.

promise of money, always welcome to his indigence, was gratefully accepted; but as far as regarded military aid, that, he said, should never be solicited by him against his subjects, unless he were reduced to the last extremity by another rebellion. The same evening, sending for the declaration, he cancelled it in the presence of the ministers, and the next morning made a solemn promise to the lords and commons, that "what had been done with respect to the suspension of the penal laws, should never be drawn into consequence". The two houses testified their joy by acclamation; and in the evening numerous bonfires illuminated the streets of the metropolis[81].

March 8.

The test act introduced.

4°. It may excite surprise that the dissenters did not rally round the throne, in defence of a measure, in which their interests were so deeply concerned. But it was an age in which religious antipathies exercised an unbounded influence over the judgments of men. The knowledge that the duchess of York had died a catholic, the suspicion that the duke of York, the presumptive heir to the crown, had embraced the catholic faith, and the fact of the alliance with France, a catholic power, against the Dutch, a protestant state, were confidently brought forward to prove the existence of a most dangerous conspiracy against all the reformed churches; the declaration of indulgence to tender consciences was represented

[81] Dalrymple, ii. 93—6. L. Journ. xii. 549.

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as the first of the measures devised by the conspirators for the accomplishment of their unholy purpose; and the dissenters were exhorted and solicited to surrender the advantages which it promised them, for more secure, though, perhaps, less extensive relief to be granted by act of parliament. These arguments had weight with numbers: their jealousies and apprehensions were awakened; they consented to sacrifice their personal interest to the general good, and joined in the popular cry, which demanded additional securities for the reformed faith [82]. Of these securities, the first regarded the small force lately raised to be employed on the continent. It was remarked that Fitzgerald, the major-general, with a few other officers, was a catholic, and that Schomberg, the commander-in-chief, though a calvinist, was not only a foreigner, but also held high rank in the French army. Why, it was asked, were such men selected for the command? Did there not exist an intention of employing them, at the conclusion of the war, to establish popery and arbitrary power? To remove these fears, an address was voted, requesting the king to discharge from the army every officer and soldier who should refuse to take the oaths of allegiance and supremacy, and to receive the sacrament after the rite of the church of England, and to admit no man, thereafter, into the service, who

[82] Guilford apud Dalrymple, ii. 91.

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CHAP. III. 1673.

did not take the oaths before the first, and the sacrament before the second muster. Charles returned a satisfactory answer [83]; and the anticatholics, elate with their victory, proceeded to urge the exclusion of those who were the objects of their jealousy, from civil as well as military affairs. The suggestion of a test for this purpose came to them from a quarter, whence it was not to have been expected,—from Arlington, the reputed papist. But to Arlington it presented several advantages. It would remove from him the suspicion of catholicity; it would enable him to gratify his resentment against Clifford: it would bring once more within his reach the treasurer's staff, the great object of his ambition; and it would serve to screen him from danger, by creating in his favour an interest among the popular leaders. By them the proposal was gratefully accepted, under the expectation that such a test would solve the question of the duke of York's religion, and, by stripping him of office, exhibit him to the people in a state of political weakness and degradation. Neither did the chiefs of the court party prove more hostile than their opponents, to a measure which opened to them the prospect of power and emolument, from the resignations and removals which it would inevitably occasion. Even the king himself was brought to give his consent. The passing of the test was represented to him as

[83] L. Journ. xi. 547, 8, 9.

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CHAP. III. 1673.

the only condition on which he could hope to obtain the liberal supply that had been voted; and to a prince, with whom, as it was observed, "logic, "built upon money, had more powerful charms "than any other sort of reasoning," this consideration proved a convincing argument. If he felt at all for his brother, he probably strove to persuade himself that James would never sacrifice the possession of office to the profession of his religion [84].

In conformity with the suggestion of Arlington, the house of commons resolved, that every individual, "refusing to take the oath of allegiance "and supremacy, and to receive the sacrament "according to the rites of the church of England, "should be incapable of public employment, "military or civil;" and a bill was introduced requiring, not only that the oaths should be taken, and the sacrament received, but also that a declaration against transubstantiation should be subscribed by all persons holding office, under the penalty of a fine of 500*l.* and of being

And passed. Feb. 28.

[84] The French ambassador supplies the information respecting Arlington and his object (Dalrymple, ii. App. p. 90); Marvell respecting the motives of the king, and the leaders of the opposite parties. Marvell, i. 494, 5. Neal attributes the test act to an omission on the part of the king, whom he represents as returning no answer to the petition of the two houses for the removal of Catholics from office. (Neal, ii. 693.) But their petition did not ask for any such removal, and it was posterior in time to the resolution for a test. The petition was presented March 7: and the resolution was passed Feb. 28. See Journals on these days.

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CHAP. III. 1673.

disabled to sue in any court of law or equity, to be guardian to any child, or executor to any person, or to take any legacy or deed of gift, or to bear any public office. In the lower house, a feeble opposition was offered to the clause imposing the declaration, on the ground that, to make the disavowal of a speculative opinion, the qualification for civil office, was contrary to the nature of a civil test, and calculated to render men hypocrites or atheists. In the upper house the principal novelty in the debate was furnished by the earl of Bristol, who, though a catholic, argued in support of the test. That considerable alarm existed, could not, he said, be denied. It mattered little whether it was well founded or not. The more groundless the panic was, the more rapidly it would spread. If, then, the bill tended to lull the apprehensions of the people, it deserved the approbation of the house. It did not enact new, it did not enforce even the old, penalties against the catholic worship. It went merely to remove a few individuals from offices which they could not exercise without scruple and dissimulation. For himself, he was no wherryman in religion, to look one way and row another. He was a catholic, attached to the church, but not to the court of Rome. He should vote, indeed, against the bill, because it contained expressions to which he could not conscientiously assent; but he hoped that the house would adopt it, as a measure of prudence, calculated to prevent mischief,

March 12.

March 15.

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and to pacify discontent. By this speech, Bristol obtained the reputation of a patriot: the reader will, perhaps, think him a hypocrite; for he prevailed on the parliament to adopt a proviso in his favour, securing to him and his wife a large pension from the crown, and exempting them, and them alone, from the obligation of taking the test [85]. CHAP. III. 1673.

5°. The bill passed the house of lords, as it had passed that of the commons, without provoking a division; and it may reasonably be asked, how it happened that it received no opposition from the dissenters, when it was so framed as to comprehend them, though its avowed object was the exclusion of others? They seem again to have suffered themselves to be duped by the artifice of their pretended friends. With the bill for the test, was introduced another for ease to protestant dissenters, and thus their objection to the first was neutralized by their hopes from the second. But while one passed rapidly through the house, the other crept slowly on: new questions successively arose, and day after day was spent in debating, what quantity of relief should be granted, to what description of non-conformists it should extend, and for how long a time it should be continued. The house at length agreed to confine the benefit to those dissenters who objected only to the Dissenters' relief bill.

[85] C. Journ. Mar. 12. L. Journ. 557, 9, 561, 7, 9. Parl. Hist. iv. 561—6. St. 25 Car. ii. c. 5.

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CHAP. III. 1673.

articles of discipline, and were willing to subscribe the articles of doctrine of the church of England, to allow all such to hold separate meetings for the purpose of religious worship, to exempt them from the penalties for absence from the parish church, and to repeal in their favour the compulsory declaration of *assent* and *consent* ordained

March 17. by the act of uniformity. In this shape the bill was forwarded to the house of lords, where it received numerous amendments: to some of these

March 24. the commons objected; and, though the king warned them of the approaching termination of the session, no care was taken to come to an agree-

March 29. ment. On Easter eve, the parliament was adjourned at nine in the evening; before it met again a prorogation followed, and the hopes of relief which the dissenters had been encouraged to cherish, were utterly extinguished [86].

Remarks. In the history of this session, it is worthy of notice: 1°. that not a murmur was heard from the ranks of the opposition against the war, or the alliance with France, or the suspension of payments in the exchequer. Of these great subjects of complaint, no mention is made either in the addresses or the debates. But not only was silence observed; in addition, an act of grace was passed, which, by pardoning all offences committed before the 25th of March, covered the ministers from the risk of subsequent punishment. It seems

[86] Lords' Journ. 561, 4, 571, 6, 9, 584. Parl. Hist. iv. 535—42, 551—6, 571—5.

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CHAP. III. 1673.

as if a secret understanding existed between some of the leaders of the two parties; and that the members of the cabal had sacrificed the catholics to the jealousy of their opponents, on condition of indemnity to themselves [87]. 2°. The house of commons, in the bill which it passed for the ease of dissenters, departed from those doctrines which it had so strenuously advocated in its celebrated address to the king, in 1663. At that time it protested against any indulgence, because it was inconsistent with the act of uniformity, calculated to breed schism and multiply sects, and would ultimately lead to universal toleration [88]. But now the distinction between articles of doctrine, and articles of discipline, at that time refused, was broadly admitted; the pains and penalties for absence from church or attendance at conventicles, then considered essential to the safety of the establishment were taken away; and the declaration of assent and consent, the principal provision in the act of uniformity, was rendered entirely optional. 3°. With respect to the test, the oath of supremacy and the subscription against transubstantiation were sufficient to exclude the catholics from office: the obligation of receiving the sacrament after the rite of the established church was unnecessary as

[87] "It was the constant practice of these ministers, that, when "any of them were afraid of the house of commons for themselves, they presently exposed the papists to be worried, hoping "thereby to save themselves from being fastened upon."—James, i. 499.

[88] C. Journ. Feb. 27, 1663.

CHAP. III. 1673.

far as regarded *them;* but it operated effectually to the exclusion of the dissenters. Thus the latter, by contributing to the establishment of the test, placed themselves in a much worse situation than before. They forfeited the benefit of the king's declaration; they remained subject to the intolerant laws passed against them since the restoration; and, in addition, they entailed on themselves and their posterity a new disability, that of holding employment, civil or military, under the crown.

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CHAP. IV.

CHARLES II.

NAVAL ACTIONS—DISGRACE OF SHAFTESBURY—ADDRESSES AGAINST LAUDERDALE AND BUCKINGHAM—IMPEACHMENT OF ARLINGTON—CONCLUSION OF PEACE—DESIGN OF EXCLUDING THE DUKE OF YORK—REPEATED PROROGATIONS OF PARLIAMENT—INTRIGUES OF MONMOUTH—OF ARLINGTON—PROCEEDINGS OF THE POPULAR PARTY—NON-RESISTING TEST OF DANBY—DISPUTE RESPECTING APPEALS—ANOTHER SESSION—REVIVAL OF THE DISPUTE—MOTION FOR DISSOLUTION OF PARLIAMENT—PROCEEDINGS IN SCOTLAND—AND IRELAND.

CHAP. IV. 1673.

IN Holland, the rapid success of the French had provoked, instead of subduing, resistance. De Witt, who had so long governed the republic, fell a victim with his brother to the vengeance of an infuriated mob; the prince of Orange took on himself the proud task of liberating his country; and the absence of contending factions gave a more uniform direction to the national efforts, and inspired with greater confidence the princes who dreaded the ascendancy of France. During the winter, Louis made no additional conquests; in the summer the reduction of Maestricht was the only exploit which distinguished his arms. After a

Campaign by land.

May 13.

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CHAP. IV. 1673.

succession of marches and operations in Flanders, undertaken for the sole purpose of masking his real object, he suddenly sate down before that fortress, which capitulated after an obstinate defence of twenty-three days. Monmouth, who led the English auxiliaries, commanded under him with the rank of lieutenant-general. His want of military experience was supplied by the counsels of Montal; his personal courage won the applause of the king and of the army [1].

June 1.

June 23.

Resignations.

In England, the liberal supply, voted by parliament, gave new vigour to the preparations for war. A fleet of more than sixty sail of large ships was equipped, and an army of eight thousand men was raised and encamped at Blackheath for foreign service. But at first all men fixed their eyes on the duke of York, anxious to learn whether he would take or refuse the test. His conversion to the church of Rome still remained a matter of mere suspicion: but it was observed

[1] Buckingham (Sheffield, Works, ii. 24.) says that "a sure and "easy attack was kept back till his day of commanding, that he "might have the credit of the success". This insinuation is groundless. On that occasion, says Louis in a letter to Charles, il fit tout ce qui se pouvoit pour signaler davantage sa conduite et sa valeur. Je ne dois pas même oublier que le lendemain les assiegés étant sortis sur la demi-lune à la faveur d'un fourneau, il fut à eux l'épée à la main au premier bruit de la sortie, et leur fit quitter le logement. Louis, iii. 412. That this was not mere compliment, appears from the following passage in the king's journal of the siege.—"Le duc de Montmouth s'acquit à la tête "des mousquetaires une grande reputation." Ibid. 375. See also James, i. 493.

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that, at Easter, when the king received the sacrament, James did not accompany him [2]; and soon afterwards the fact became public by his voluntary resignation of all the offices which he held under the crown. At the same time, and for the same reason, the lord Clifford relinquished the treasurer's staff in opposition to the advice and entreaty of the king. By those who were acquainted with his aspiring character, and able to judge how much it must have cost him to suppress at once the hopes which he had so fondly cherished, it was supposed that he had bound himself by promise to follow the duke of York; but that prince declares that Clifford was actuated by motives of conscience, and pronounces his conduct the more honourable, as it was the less to be expected from one who had so recently become a proselyte. By his resignation the ambition of Arlington was again awakened, but was again doomed to be disappointed. The king, by the advice of James and Clifford, gave the staff to Arlington's enemy, Sir Thomas Osborne, who was soon afterwards raised to the peerage, by the title of viscount Latymer [3].

March 30.

June 19.

Aug. 15.

[2] Evelyn, ii. 380. The king had employed lord Clifford to prevail on James to take the sacrament with him at Christmas: but the duke replied, that his conscience forbade him. James, i. 482.

[3] Evelyn (ii. 383.) says, "I am confident he (Clifford) forbore "receiving the communion, more from some promise he had "entered into to gratifie the duke, than from any prejudice to "the protestant religion, though I found him wavering a pretty "while." The duke, on the contrary, says: the test ousted him

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CHAP. IV. 1673.

Actions at sea.

By the retirement of James, the command of the combined fleet, amounting to ninety sail of the line, devolved on prince Rupert. With so formidable a force, it was expected that he would sweep the Dutch navy from the face of the ocean: but he performed nothing worthy of his reputation; and, though he fought three actions with De Ruyter, neither received nor inflicted considerable injury. His friends complained that his powers were limited by unusual restrictions, and that his ships wanted stores and provisions: an officer, who was present, asserts, that he was too closely leagued with the country party to obtain a victory, which might render their opponents lords of the ascendant. He was ordered to take under his protection the army commanded by Schomberg, and to land it on the coast of Holland. Schomberg, unacquainted with naval etiquette, affixed the colours of his regiment to the mast of his vessel, as a signal to the officers in the other transports; but Rupert considered his conduct as an act of insubordination or insult: two shots were fired through the rigging; and orders were given to sink the general's vessel, unless the flag were immediately struck. Schomberg re-

"of the place of lord treasurer of England, and of being any "longer a privy counsellor; who tho' a new convert, generously "preferred his conscience to his interests." James, i. 484. These passages prove that those writers are incorrect, who represent him all along as a catholic.—Besides lord Clifford, lord Belasyse, Sir Thomas Strickland, and several others in eminent stations, resigned. Marvell, i. 458.

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luctantly submitted, and the armament proceeded to the Dutch coast; but no landing was effected. Rupert, having alarmed the inhabitants on several points, from the mouth of the Maese to that of the Ems, ordered the military force to return to Yarmouth, where it remained encamped during the rest of the session. Schomberg, attributing both the violence of the prince with respect to the flag, and his refusal to land the army in Holland, to personal dislike, sent him a challenge; but Charles interfered to prevent the meeting, and the general quitted the English service [4].

CHAP. IV. 1673.

July 23.

Aug. 2.

A congress had been held at Cologne, under the mediation of the king of Sweden. But the States had now a brighter prospect before them, and scornfully refused conditions which they would have gladly accepted in the preceding summer. The assassination of the two De Witts by the populace had destroyed the influence of the Louvestein party; the Orange interest obtained the predominance in every province; and the young prince already displayed that decision of mind, that inflexibility of purpose, which marked his character through life. The other powers of Europe did not remain indifferent spectators of the contest. Leopold of Austria, and Charles of

Congress at Cologne.

Aug 20.

[4] Buckingham, (Sheffield) ii. 25—9. See also a letter from the king to Rupert, in which he calls the raising of the flag "a casual "and inoffensive error, laments the mortification of Schomberg, "and is not willing that the quarrel should be carried any fur-"ther." Lansdowne, MSS. 1206, p. 158.

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CHAP. IV. 1673.

Spain, offered their assistance; and a defensive alliance bound them to unite their arms against the enemies of the republic [5]. This was not the least singular of the revolutions which the seventeenth century exhibited. The remembrance of past injuries was suppressed; the objections of religion were silenced; and the emperor and king of Spain, the representatives of that family from whose iron yoke the united provinces had been lately freed, now hastened to their support in opposition to England and France, the two powers which had originally watched and protected the cradle of Dutch independence.

Meeting and prorogation of parliament.

But the States not only obtained foreign aid; they indulged a well-founded hope of separating Charles from his alliance with France, and with that view kept up a close correspondence with the discontented party in England. If the religious

[5] Dumont, vii. 240, 243. Soon afterwards Louis, to keep Charles firm to his engagements, granted him a very singular favour. By the death of the last duke of Richmond, Aubigni, in the province of Berry, which had been granted to one of his ancestors, reverted to the French crown. On the 29th of July, 1672, Louise de Querouaille bore a son to Charles; the next year he created her duchess of Portsmouth: and Louis, at the desire of the king, conferred on her the domain of Aubigni, to be enjoyed by her during her life, and at her death to go to any one of the natural sons of Charles, whom that monarch might please to name, and to the male descendants of that son, "to the end that "the land of Aubigni might continue in possession of the illus- "trious house of Stuart." Charles of course named his son by Querouaille, and created him duke of Richmond, Aug. 19, 1675. See the Letters Patent of Louis XIV., note (D).

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antipathies of the people had been excited by the conversion of James to the catholic faith, they were now blown into a flame by the intelligence that he had recently married by proxy the sister to the reigning duke of Modena, Maria d'Este, a catholic princess of the age of fifteen[6]. The danger to the protestant religion from this inauspicious union became the subject of every discourse; and Charles, that the popular excitation might have time to subside, and the real intention of the States be satisfactorily ascertained, resolved to postpone the meeting of parliament to the termination of the Christmas holidays. From this counsel he was seduced by the artful and treacherous suggestion of the chancellor, who had secretly been reconciled, and had made the promise of his services, to the country party. On the appointed day, the 20th of October, the two houses assembled: but Shaftesbury, in defiance of the order which he had received, neglected to adjourn them till the commons had voted an address to the king, praying that he would not permit "the marriage between the duke and the "princess of Modena to be consummated." They met again on the 27th, and were informed that his majesty could not in honour break a contract of marriage which had been solemnly executed. But his opponents in the lower house were not to

CHAP. IV. 1673.

Sep. 30.

Oct. 20.

Oct. 27.

[6] James, i. 484. He had first solicited the hand of the archduchess of Inspruck, but that princess preferred the emperor Leopold. See the negotiation in Miscel. Aul. 65—107.

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CHAP. IV. 1673.

be deterred: their plan of operations had been previously arranged, and they proceeded to resolve, that a second petition, of the same import with the first, should be presented; that no supply should be granted, unless the obstinacy of the Dutch made it necessary, till the country was secured from the danger of popery and popish counsellors, and the existing grievances were redressed; that a test should be imposed to distinguish between protestant and papist, and render the latter incapable, not only of office, but of sitting in either house of parliament; that the standing army was a grievance which ought to be redressed; and that (as had been done by the long parliament in the time of Charles I.) the king should be petitioned to appoint a day of general fasting, that God might avert the dangers with which the nation was threatened. These votes created alarm in the court; and Charles, hastening to the house of lords, prorogued the parliament[7].

Nov. 4.

Disgrace of Shaftesbury.

By this decisive measure, the hopes of the opposition were disappointed, and Shaftesbury became the victim of his own policy. Calculating on the easy, irresolute disposition of the king, he had anticipated victory instead of defeat, and probably expected to retain his high office, while his colleagues should be excluded from the royal counsels. Charles, having granted him a full

[7] Com. Journals, Oct. 20, 27, 30, 31. Nov. 3, 4. James, i. 485. Burnet, ii. 31.

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pardon for all offences against the crown, demanded the great seal, which he gave to sir Heneage Finch, with the office of lord keeper [8]; and the disgraced minister, hitherto the adviser of the most arbitrary measures, openly proclaimed himself the adversary of the court, the warm champion of the liberties of the people. He walked daily in the Exchange, accompanied by some of the young nobility, entered into familiar conversation with the merchants, and feelingly deplored to them the miseries of the nation, the depression of trade, and the danger which threatened religion. In the estimation of his new associates, his political conversion had obliterated the guilt of his former transgressions; he was applauded as a persecuted patriot, a martyr to the liberties of his country; and, doubtful as it was whether he believed or not in revelation, theologians were found to describe him from the pulpit as the saviour of religion, and to foretel that his fame, like that of the woman mentioned in the gospel, should live throughout future generations.

Nov. 9.

[8] The reader will recollect, that in 1614 it was resolved, that for the future no attorney-general should sit in the house of commons, because by his office he is an assistant of the house of lords. In consequence, in the years 1620, 1625, 1640, when members of the house of commons were appointed to the office, new writs were issued by the speaker. On the elevation of Finch to the chancery, North succeeded as attorney-general, but did not, as others before him, vacate his seat. Though some members complained, he was permitted to remain in the house. All his successors have continued to sit without molestation.

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CHAP. IV. 1673.

He failed, however, in his attempt to procure an address to the king from the common council. Charles had many friends in the capital; and the leading citizens, on the signification of the royal disapprobation, refused their concurrence [9].

Marriage of duke of York.

The votes of the house of commons had spread consternation among the courtiers, and Arlington conjured the king either to prevent the departure of the Italian princess from Paris, or to insist that James after his marriage should withdraw from public notice, and lead the life of a country gentleman. But Charles replied, that the first was incompatible with his honour, and the second would be an indignity to his brother. The duchess left Paris, James with a small retinue met

Nov. 21.

her at Dover, and Crew, bishop of Oxford, declared the marriage lawful and valid [10]. Here, however, the earl of Berkshire, a catholic, probably at the request of the king, advised the duke to solicit permission, that he might retire to Audley-end, both for his own quiet, and the royal convenience. James indignantly refused: his interest, he said, required that he should be present to oppose his enemies; his duty forbad him to desert his brother without the royal command.

[9] James, i. 488. Parker, 266, 7, 271. Macp. Pap. i. 69.

[10] James, i. 486. Temple, ii. 288. The ceremony was merely the following:—"The bishop asked the duchess and the earl of "Peterborow, whether the said earl had married the duchess of "York as proxy of the duke, which they both affirming, the "bishop then declared it was a lawful marriage." Ibid.

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From Dover he returned to the palace of St. James's, where the duchess, by her youth, and beauty, and innocence, disarmed the malevolence of party, and became a general favourite with the court. Charles, however, partook of the common alarm. He refused her the use of a public chapel, which had previously been stipulated; he ordered the officers of the household to prevent all catholics, or reputed catholics, from entering the palace, or coming into the royal presence; he forbad, by an order of council, any popish recusant to walk in the park, or visit at St. James's, and he instructed the judges to enforce with rigour the execution of the penal laws against the catholics [11]. CHAP. IV. 1674. Nov. 26. Dec. 10.

By these regulations the king hoped to satisfy the more moderate of his opponents. When the houses met after the prorogation, he addressed them with that air of candour, affability, and cheerfulness, which was so natural to him; and was followed by the lord keeper in a long and eloquent speech, describing the object of the measures lately adopted, imputing to the States insincerity in the negotiation, extolling the king's attachment Twelfth session of parliament. 1674. Jan. 7.

[11] James, i. 487. Kennet, 296. L. Journ. 595. James, i. 499. Burnet, ii. 30, 37. These orders were executed with such severity, that within the course of two months seven catholic peers were compelled to appeal to the house of lords for protection: namely, the marquess of Winchester for himself and his servant; the earl of Norwich for himself and his two sons; and the earl of Cardigan, the viscount Montague, and the lords Petre, Arundel, and Belasyse, for themselves. L. Journ. xii. 613, 21, 22, 35, 42.

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CHAP. IV. 1674.

to the doctrines and worship of the established church, and demanding a supply, as equally necessary for the attainment of peace, and the prosecution of the war. But neither the affability of the prince, nor the eloquence of the minister could make any impression on the leaders of the party, who were now supposed to act under the guidance of Shaftesbury. 1°. It was too late to resume the question of the duke's marriage; they, therefore, began with the presentation of three addresses,

Jan. 12.

praying the king to enjoin a public fast, that the whole nation might implore the protection of the Almighty for the preservation "of church and "state against the undermining practices of popish "recusants"; to command all papists not householders to remove to the distance of ten miles from the capital during the session of parliament; to order that the names of all popish householders within the distance of five miles should be enrolled at the sessions, and to direct the militia of London, Westminster, and Middlesex to be ready at an hour's notice, and the militia of the country at a day's notice, to suppress any tumultuous meetings of papists or other discontented persons. It cannot be pretended that there existed any real grounds for these precautions and insinuations; but the experience of the civil war had shown how efficacious such addresses were in exciting vague and alarming jealousies in the minds of the people, and in directing their attention to the parliament as the faithful guardian of religion

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and liberty; and similar proceedings were at present adopted in furtherance of the projects of the party whose great aim was believed to be the exclusion of the duke of York from the throne. To each address Charles returned a gracious and satisfactory answer [12].

Removal of ministers.

2°. They proceeded next to vote the removal from office of all counsellors "popishly affected, "or otherwise obnoxious or dangerous". Who, it was asked, advised the alliance with France and the rupture with Holland, the declaration of indulgence, and the suspension of payment to the public creditor, the levy of an army without the advice of parliament, and the placing of a foreigner at the head of that army, the marriage of the duke of York, and the prorogation of last November? Let inquiry be made; let a mark be placed on the authors of such evil counsels; let them be incapacitated from repeating their pernicious advice, and from inflicting new injuries on the nation [13].

It was a maxim with the court, introduced by Clarendon and followed by his successors, to leave the parliament, in show at least, to the unbiassed exercise of its own judgment. Though every species of influence and corruption was

[12] L. Journ. xii. 594, 8. C. Journ. Jan. 7, 12. On the 1st of August, 1673, the duke of York told the French envoy that he was afraid of being excluded from the succession. Dalrymple, ii. App. 98.

[13] C. Journ. Jan. 12, 13, 14.

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CHAP. IV. 1674.

employed to secure votes, the appearance of a court party was carefully avoided. The most devoted adherents of the ministers received directions to conceal their real sentiments, to seek popularity, to speak and vote frequently with the opposition, to join in the cry against popery, and in the most violent measures against its professors, that on more important occasions their opinions might appear disinterested, and consequently have greater weight with their colleagues. Hence it generally happened that the motions which the court wished to carry came first from the ranks of the opposition; and that the resistance to the measures of the country party was feeble, fluctuating, and cautious. The question was never met fairly and manfully; but the debate was protracted, difficulties were raised, amendments were suggested, and as a last resource, some unintelligible and irreconcileable quarrel about privilege was provoked between the two houses.

On the present occasion the court pursued its usual policy. The friends of the ministers did not deny that evil counsels might have been given, but contended that no man could justly be punished before he had been put on his defence. They admitted that grievances existed, but represented the grant of a supply as not less necessary to the welfare of the nation than the redress of grievances. Why might not the two subjects accompany each other, and one day

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be devoted to the consideration of grievances, the next to the consideration of the supply? Why should not the clamours against evil counsellors be reduced to specific charges, and the accused be permitted to justify themselves"[14]? CHAP. IV. 1674.

Proceedings against Lauderdale. Jan. 13.

3°. But their opponents adhered steadily to their own plan, and proceeded to consider, in the first place, the case of the duke of Lauderdale. It was alleged against him, that as chief of the administration in Scotland, he had raised an army for the purpose of employing it to establish arbitrary power in England, and that at the council in England, when a magistrate was charged before it with disobedience to the royal declaration, he had said, "your majesty's edicts are equal with "the laws, and ought to be observed in the "first place". It was "resolved that an address "should be presented to the king to remove "Lauderdale from all his employments, and from "the royal presence and councils for ever[15]".

Against Buckingham. Jan. 13. Jan. 14.

Buckingham, aware that he was destined to be the next victim, solicited and obtained permission to address the house. His first speech was confused and unsatisfactory; nor did his second, on the following day, supply the deficiencies of the former. He represented himself as a man, who had spent a princely fortune in the service of his country; and reminded his

[14] Parl. Hist. iv. 620.

[15] C. Journ. Jan. 13. Parl. Hist. iv. 625-30.

CHAP. IV. 1674.

hearers of the patriotism with which he had once braved the resentment of the court. He offered nothing in defence of the conduct of the ministry; but sought by evasion and falsehood to shift the responsibility from himself. Some of their measures he pretended that he had opposed, in conjunction with the earl of Shaftesbury; some he imputed to lord Clifford, who was no longer alive to rebut the charge; some he openly attributed to his known enemy, the earl of Arlington; and of others he darkly insinuated that the blame lay with the royal brothers, by the enigmatical remark, that a man might hunt the hare with a pack of beagles, but not with a brace of lobsters. His submission obtained for him some indulgence from the house. It was voted, indeed, that, like Lauderdale, he should be removed from the royal presence and councils; but with respect to office, only from those employments which he held during pleasure; words that left him at liberty to dispose by sale of such as he held by patent[16]. To the address against him, as well as that against

[16] C. Journ. Jan. 13, 14. Parl. Hist. iv. 630—49. Burnet, ii. 38. Reresby, 24. At the same time the house of lords was employed in an inquiry arising out of the complaint of the trustees of the young earl of Shrewsbury, against the duke of Buckingham and the countess dowager of Shrewsbury; and an award was made that "the duke should not converse or cohabit with "the countess for the future, and that each should enter into "security to the king's majesty in the sum of ten thousand "pounds a-piece for that purpose". L. Journ. xii. 628.

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Lauderdale, Charles briefly replied, that he would take it into consideration. CHAP. IV. 1674.

Against Arlington was exhibited an impeachment of treason, and other crimes of high misdemeanor, in a great number of articles, arranged under the three heads of promoting popery, embezzling and wasting the royal treasure, and betraying the trust reposed in him as privy counsellor. Of these articles three parts in four had evidently no other foundation than suspicion and report, and the ease with which they were refuted served to throw ridicule on the whole charge. Arlington addressed the house with more firmness than had been expected. To the assertions of Buckingham he gave the most pointed contradiction; and represented the injustice of imputing to one counsellor the blame or merit of measures which had been adopted in consequence of the judgment and advice of the whole board. Arlington had secret friends among those who appeared openly as his enemies: they acknowledged that there was much force in his arguments; and the motion to inflict on him the same punishment as on Lauderdale was rejected by a majority of forty voices. All that his enemies could obtain, after a debate of five days, was the appointment of a committee to inquire, what part of the articles could be so far established as to furnish ground for impeachment; and this committee, whether it was through the difficulty of procuring satisfactory proof, or the

And against Arlington. Jan. 15. Jan. 20. Feb. 7.

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CHAP. IV. 1674.

intrigues of the leaders in favour of the accused, never presented any report [17].

Orders of the house of lords.

By the lords the conduct of Buckingham and Arlington, who had condescended to plead their own cause before the house of commons, was considered derogatory from the dignity of the

Jan. 20.

peerage; and a standing order was made, that no peer should answer any accusation before the commons in person, or by counsel, or by letter, under the penalty of being committed to the custody of the black rod, or to the Tower, during

Jan. 13.

the pleasure of the house. In obedience to another order all the peers in attendance, whether protestants or catholics, took the oath of allegiance, which had been framed in the third year of James I., as a renunciation of the temporal claims ascribed to the pope, and of the anti-social doctrines imputed to the catholics. The duke of York hesitated at first. It had never been proposed to princes standing in the same relation with himself to the throne, and he was unwilling to establish a precedent to bind those who might succeed him. But, some of the lords making a distinction between heir-presumptive and heir-

Jan. 14.

apparent, he waived the objection, and took the oath in the same manner as all the other members of the house [18].

[17] C. Journ. Jan. 15, 20, 21. Feb. 18. Parl. Hist. iv. 649—57. Burnet, ii. 38.

[18] Lords' Journ. xii. 606, 8, 12. Macph. Pap. i. 71.

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CHAP. IV. 1674.

In the meanwhile the commons betrayed no disposition to grant a supply, and Charles, weary of the war, sought some expedient to disengage himself without disgrace from his connexion with France. The allied sovereigns no longer retained that proud superiority which they had won in the first year of hostilities. By sea the English had gained no considerable advantage: by land the tide of success had turned in favour of the States. Spain and Austria had come forward to their aid: Montecuculli, the imperial general, had deceived the vigilance of Turenne, and laid siege to Bonn; the prince of Orange, having reduced Naerden, by a bold and skilful march joined Montecuculli: Bonn surrendered; and the army, which maintained the French conquests in the united provinces, cut off from all communication with the mother country, was compelled to make a precipitate retreat on the ancient frontiers of France. At this moment, the States made to Charles, through the Spanish ambassador, Del Fresno, an offer of acceding to the terms which they had refused at the congress of Cologne[19]. This unexpected step was differently interpreted by their friends and foes: the truth is, that the concession was the price at which the States had purchased the aid of Spain. The queen-regent refused to engage in a war with England; and her ambassador, when he signed the public treaty of alli-

Proposals of peace from the States.

Jan. 24.

[19] L. Journ. 616.

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CHAP. IV. 1674.

ance, received from the States a secret power of negociating with the English king on the following basis; that the conquests on each side should be restored; that the honour of the flag should be yielded to Charles; and that a sum of money, not exceeding 800,000 crowns, should be paid to him as an indemnification for the expenses of the war[20]. Whether Louis had obtained information of the secret, is uncertain. During the autumn he refused the king an advance of money; now he offered, through his ambassador Ruvigni, a large sum towards the equipment of the fleet. But Charles had communicated the proposal of the States to both houses of parliament, and had been advised by them to commence the negotiation. He replied to Ruvigni, that he had gone too far to recede; that necessity prevented him from supporting France any longer as her ally, but that he still hoped to be of service to his good brother as mediator between him and his opponents. Sir William Temple was appointed to negociate with Del Fresno; in three days, the articles were satisfactorily adjusted; and Charles announced to his parliament, that he had concluded "a speedy, honourable, and, he trusted, a "lasting peace[21]."

1673. Aug. 20.

Feb. 11.

[20] Dumont, vii. 242.

[21] L. Journ. 925, 8, 32. Dalrymple, ii. 96. Temple, ii. 247—50. It appears that now the committee for foreign affairs, or the cabinet council, consisted of Finch, lord keeper, viscount Latymer, lord treasurer, and the earl of Arlington, and sir Henry Coventry, secretaries of state. Temple, ibid.

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Treaty. Jan. 7.

By this treaty, the king obtained the substance of his demands in the summer of 1672, with the exception of an acknowledgment for the permission to fish in the British seas, the mention of which was carefully avoided by both powers. The States consented that their ships and fleets should lower their flags and topsails to every British man of war, on any part of the sea from Cape Finisterre to Van Staten in Norway, as a matter of right, and not merely of compliment; that the English settlers in Surinam should be freely permitted to leave that colony in English ships; that all subjects of dispute between the East-India companies of the two nations should be referred to the decision of arbitrators to sit in London; that whatever questions might not be determined by them in the space of three months should be referred to the decision of the queen-regent of Spain; and that the States should pay to the king of Great Britain the sum of eight hundred thousand crowns by four yearly instalments. Charles had formerly demanded for the prince of Orange the dignity of stadtholder, admiral, and captain general, both to him and his posterity for ever: but the States prevented the agitation of the question by conferring those offices on him and his heirs a few days previously to the opening of the negotiation [22].

[22] Dumont, vii. 253. There was added a secret article, that neither power should assist the enemies of the other; but this was explained to mean, not that Charles should recal the English

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CHAP. IV. 1674.

Designs against the duke of York.

The reader is already aware, that ever since the fall of Clarendon, the violent opponents of that nobleman feared the resentment of the duke of York, and considered their own safety to be intimately connected with his exclusion from the throne. The duke's subsequent adoption of the catholic creed had furnished them with an advantage of which they were not slow to avail themselves. They appealed to the religious passions of the people; they magnified the danger which threatened the established church; and they called for the establishment of securities, which, though they equally affected the whole body of catholics, were in the intention of the framers chiefly directed against the duke's right to the succession. Their first step towards his exclusion was the enactment of the test, which not only stripped him of the extensive influence attached to his office of lord high admiral, but held him out to the people as unfit to be trusted with employment under government, and consequently still more unfit to fill the most exalted magistracy in the state. Their next attempt was to expel him from the house of lords, and from the councils and the presence of his brother; and for this purpose they had devised a more comprehensive

troops serving in the French army, but that he should not suffer them to be kept up to their full complement by recruits. Temple, ii. 250.

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test[23]; and moved in the last session, that whoever refused to take it should be disabled from sitting in parliament, and prohibited from approaching within five miles of the court. This bill had been arrested in its progress by the prorogation: it was now introduced a second time under more favourable auspices. Yet so numerous were the questions urged on the attention of the house, so long and tedious the debates, that its patrons were unable to carry it farther than the second reading before the prorogation of parliament. At the same time, in the house of lords, a different plan of securities had been devised and adopted: to disarm all catholics; to prevent the princes of the blood from marrying any but protestants, and to provide that all the younger branches of the royal family, the eldest sons of catholic peers, and all the children of other catholics, if the father were dead, should be brought up protestants. The earl of Carlisle moved, that to a prince of the blood, the penalty for marrying

Feb. 24.

[23] The notion of a more comprehensive test originated from the small number of resignations, which had followed the enactment of the last. It had disappointed the expectations of its more ardent advocates. (Marvell, i. 458.) Instead of inferring, which was the truth, that they had overrated the real number of catholics in office, they included in the new test a denial of more of the catholic doctrines; as if the men, if any such there were, who had not hesitated to abjure a part of their creed for the preservation of their places, would not as readily, through the same motive, abjure the remainder.

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CHAP. IV. 1674.

a catholic should be the forfeiture of his right to the succession. He was warmly supported by Halifax and Shaftesbury, and as warmly opposed by the lord keeper, and the earl of Peterborough: the bishop of Winchester, with several of the prelates, came to the aid of the latter, maintaining that such a penalty was inconsistent with the principles of christianity, and the doctrine of the church of England; and after a long and animated debate, the amendment was rejected by a triumphant majority [24].

Projects of that prince.

The duke of York had now but a cheerless prospect before him. He was fully aware of the object of his enemies, of the talents and influence of some, and of the reckless unprincipled characters of others. He saw that his power and popularity were gone; the wavering disposition of his brother forbad him to place his reliance on the support of the throne; and the victory, which he had recently obtained in the house of commons, was so trifling, that it could not impart confidence, though it might exclude despair. The first expedient, which suggested itself to his mind, was a dissolution of parliament: but the result of another election was uncertain; and Charles had always betrayed an insuperable dislike to the experiment. He would, he said, try the temper of the house of commons once more. If they

[24] L. Journ. xii. 618, 626, 647, 9. C. Journ. Jan. 21.; Feb. 5, 20. James, i. 489. Macph. 71, 2, 5, 9.

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granted him a supply, they should continue to sit: if they refused, he would then dissolve them. The duke next resolved to retard, as much as was in his power, the meeting of parliament, the only opportunity which his enemies would have of accomplishing their purpose[25]. But for this it was necessary to supply his brother with money; and money could be procured only from the king of France. Fortunately, however, for his object, the views of Louis, in respect to the meeting of parliament, coincided with his own. CHAP. IV. 1674.

That prince, though deserted by his ally, still proved a match for his enemies. If he lost Grave, he had gained several battles; and the relinquishment of his conquests in the Netherlands had been more than balanced by the acquisition of the important province of Franche-comté. Yet he had reason to dread the accession of England to the confederacy against him, and willingly listened to the duke of York who suggested that he should purchase the neutrality, by relieving the wants of his English brother. The sum demanded was 400,000*l.*; but Louis pleaded the immense charges of the war, and the exhaustion of his treasury; Charles descended to 300,000 pistoles; 500,000 crowns were at length offered and accepted; and the parliament was prorogued by proclamation from the 10th of November, to the 13th of April. All parties professed themselves satisfied. Charles Prorogation of parliament. Aug. Aug. 23. Nov. 10.

[25] See Coleman's Letter in Journals of the Com. ix. 525.

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CHAP. IV. 1674.

obtained a temporary relief from his pecuniary embarrassments; Louis was freed from the apprehension of a war with England during the approaching year; and James had gained an additional delay of five months to watch the secret intrigues, and prepare against the intended attack of his opponents [26].

Duke of Monmouth.

But whom, it may be asked, did those opponents mean to substitute in his place as presumptive heir to the crown? Hitherto they had fixed their eyes on the young duke of Monmouth; nor was it unreasonable for them to hope that the king's partiality for his son would serve to reconcile him to the exclusion of his brother. Neither did Monmouth himself appear indifferent to the splendid prize which solicited his pursuit, or prove inattentive to the suggestions of those who flattered and irritated his ambition. By their advice, he begged of Charles the appointment of commander-in-chief, which had been abolished, at the death of Monk, as an office dangerous to be placed in the hands of a subject, at a time when revolu-

[26] Dalrymple, ii. App. 98, 9. Dalrymple observes that the information in the letters of Ruvigni tallies well with the beginning of Coleman's correspondence. It does more. It shows the busy, intriguing disposition of Coleman, which was so well known to the duke, that he was not trusted by him. Coleman sought to procure money from Louis through Ferrier and Pomponne, at the very time when this bargain was concluded with Ruvigni; and so ignorant was he of its existence, that he afterwards attributes the prorogation to the advice given by himself and his friends. Coleman's Letter, Com. Journ. ix. 526.

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tionary principles were still cherished in the country. James was alarmed: he remonstrated against the measure; but the affection of the king refused to listen to his arguments, and the patent was engrossed, and received the royal signature. The duke of York, however, had his suspicions. He took it up from the table; his jealous eye immediately discovered several erasures; and these, on examination, proved to be obliterations of the word "natural," wherever Monmouth was described as the son of the king. Charles felt indignant at the fraud which had been practised upon him: he tore the paper into fragments; but his anger quickly subsided; the offence was forgiven, and Monmouth obtained a second patent, drawn, however, in proper form, and with the admission of the obnoxious epithet. Still his advisers were not satisfied. They instructed him to ask also for the command of the Scottish army, the levy of which they attributed to views hostile to the liberties of England. The king, with his usual facility, granted the request; but when Monmouth insisted that this commission should be drawn for life, and without mention of his illegitimacy, he was disappointed in both points by the vigilance and firmness of Lauderdale [27].

[27] James, i. 496, 7. The next year the duke of York was more successful. Russell, colonel of the foot guards, solicited leave to sell his commission, and the king agreed to purchase it for the earl of Mulgrave, who was afterwards duke of Buckingham. But Mulgrave had seduced the mistress of Monmouth, who, in

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CHAP. IV. 1674.

A second, and in many respects a more formidable rival, was William, prince of Orange, the next in succession to the crown after the duke of York and his children. William was a protestant; his heroic exertions in defence of his country had exalted him in the eyes of all who dreaded the ambitious designs of the French monarch; and some of the popular leaders in England had not hesitated to pledge themselves to his service and to advocate his interests, even at a time when he was at war with their sovereign. The correspondence between them passed through the hands of Du Moulins, who, on suspicion of treachery, had been dismissed from the office of lord Arlington, and had obtained in Holland the appointment of private secretary to the prince. His agents in England were Frymans, a Dutchman, and William Howard, the member for Winchelsea, and afterwards lord Howard of Escrick. The first was screened from detection by his obscurity; but the discovery of certain important documents,

Intrigues of the prince of Orange.

revenge, extorted, by his importunity, from the king a promise of the regiment for himself (1675. Ap. 24). Mulgrave spoke to the duke. He observed to him, that as the regiment of two thousand four hundred men formed the strength of the army, the succession to the crown might one day depend on the fidelity of its commander. James instantly caught the alarm. He applied to the king, to Monmouth, to the minister, but in vain. At last he prevailed on Russell, in consideration of a valuable present, to tell the king that he repented of his design: that it would break his heart to leave the service of his sovereign. Thus Monmouth was disappointed. Buck. Memoirs, ii. 33—38. Macph. i. 84.

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furnished to the States by Howard, led to his incarceration in the Tower, where he purchased his pardon by an ingenuous confession. The king then became acquainted, for the first time, with the plan arranged between the prince and his English adherents, guided, as it was believed, by Shaftesbury, during the last winter,—that the Dutch fleet should suddenly appear at the mouth of the river; that they should improve the panic which it would occasion, to raise the people; and that the king should be compelled by clamour and intimidation to separate from his alliance with France. The conclusion of peace prevented the attempt; but did not dissolve the connexion. It was proposed, with the aid of money from Holland, to form a party in parliament, which should force Charles to join with the States as an ally in the war; and the prince was not only encouraged to hope for success by exaggerated statements of the national discontent, but advised to be in readiness to take advantage of any revolution which might follow [28].

CHAP. IV. 1674.

Of Shaftesbury.

The king was aware of the correspondence, but not of the particulars: and his jealousy was augmented by the ambiguous language of the instructions found upon Carstairs, an agent from the prince for the levy of troops. He resolved to watch more narrowly the conduct of Shaftesbury,

[28] D'Avaux, i. 8. Burnet, ii. 56. Burnet, however, should be corrected by Temple, ii. 286, 294, 334, 337.

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CHAP. IV. 1674.

who already began to practise those arts of exciting the passions of the people, which he afterwards employed to a greater extent, and with a more favourable result. He represented himself as having earned by his zeal for protestantism the hatred of the papists: under pretence that his life was in danger from their malice, he procured lodgings in the house of Cook, an anabaptist preacher, and announced to the citizens that he trusted for his safety to their vigilance and fidelity. But the king had no intention that the agitator should gain the ascendancy in the capital. He informed Shaftesbury that he was acquainted with his intrigues; he ordered him to quit London and retire to his house in the country; he dined in public with the lord mayor on the 29th of October, and accepted, in a gold box, the freedom of the city. On such occasions the king was irresistible. In defiance of the reports circulated against him, he won by his affability and cheerfulness the hearts of the citizens [29].

Of Arlington.

During the summer Charles had leisure to decide on the fate of the three ministers, who had drawn upon themselves the displeasure of the parliament. He considered Lauderdale as a servant of the crown of Scotland, and resolved to retain him in all his offices in opposition to the votes of the house of commons. Buckingham he dismissed without regret; and that nobleman

[29] Macph. i. 73. Kennet, 300.

immediately joined Shaftesbury, and proved himself a valuable auxiliary in the ranks of his former enemies. Arlington, by the royal command, accepted from sir Joseph Williamson the sum of 6,000*l.* for the secretaryship of state, and was raised to a more honourable, though less influential, office, that of chamberlain of the household. He did not, however, disguise to himself the real cause of his removal. He had observed the rapid progress which the new treasurer, lately created earl of Danby, had made in the royal favour; he saw that, to support his own declining credit, it was necessary to render some signal service to the king; and with this view he proposed to him the negotiation of a marriage between William, prince of Orange, and Mary, eldest daughter and presumptive heir to the duke of York. As the prince was a protestant, such marriage, he argued, would tend to allay the religious apprehensions of the people; and, as it would open to him a fair prospect of succeeding to the throne, it might reasonably be expected in return, that he should divorce himself from his political connexion with the popular leaders, and second the king in his endeavours to mediate a general peace. It was in vain that the duke of York objected: when he claimed the rights of a parent, he was told that his children were the property of the nation; and when he urged the indelicacy of making his daughter the wooer, it was replied, that it would

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CHAP. IV. 1674.

be the care of the negotiator to lead the prince by hints and suggestions to make the first proposal. Charles entered warmly into the project, and the

Nov. 10.

earls of Arlington and Ossory proceeded with their families to the Hague, under the pretence of visiting the relations of their wives, two sisters of the house of Beverwaert. But William had already taken his determination. For Arlington he had contracted an insuperable aversion, and when that minister complained to him in his uncle's name of his reluctance to accept the king's mediation, and of his intrigues against the royal authority, he replied, that peace must depend on the consent of those allies who had so generously rescued his country from the grasp of the invader, and that his honour forbade him to enter into explanations which might compromise the safety of his friends in England. To the earl of Ossory, whom the prince, on account of his naval reputation, treated with more respect, had been assigned the first mention of the intended marriage; but the moment he attempted to introduce the subject, William interrupted him by the laconic remark, that, in the existing circumstances, he was not in a condition to think of a wife. The fact was, that his English adherents were alarmed. They admonished him to be on his guard against the wiles and sophistry of Arlington, and conjured him to reject the proposal of marriage as an artifice devised by his enemies, to destroy his popularity, by persuading the

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people that he was joined in league with the king and the duke against their liberties and religion. The advice was religiously obeyed; and the envoys, having paid a short visit to their relations, returned to England. Here Arlington found that the failure of his mission did not contribute to raise him in the estimation of his sovereign, and that Danby had improved the opportunity furnished by his absence, to render himself the lord of the ascendant [30].

Plans of the opposition.

As the winter passed, the leaders of the two great parties held numerous consultations, to recruit their forces, and arrange their plans against the approaching session of parliament. In the house of lords the adversaries of the minister could present a small but formidable minority under the duke of Buckingham, the earls of Shaftesbury and Salisbury, and the lord Wharton. In that of the commons they formed a numerous party under active and experienced leaders; among whom were Garroway and Lee, veterans, who had long been listened to as oracles in the house; Powle and Lyttleton, skilled in the science of forms and the application of precedents; lord Cavendish, distinguished by the versatility of his talents

[30] James, i. 500—2. Temple, ii. 287—295, 334. Coleman's Letter, C. Journ. ix. 527. The origin of the prince's aversion to Arlington arose from that minister's attempts in favour of the project to legitimate Monmouth. Macph. i. 74, 84. When the offer of marriage was made, he knew that the duchess of York was in an advanced state of pregnancy, a circumstance which considerably lessened its value.

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CHAP. IV. 1674.

and the elegance of his manners; the votary at the same time of ambition and of pleasure, ardent in his pursuits, and implacable in his resentments; lord Russel, less brilliant and less eloquent than his friend, but more regular in his morals, and more respected by his colleagues; sir William Coventry, whose experience easily detected the arts and sophistry of the ministers, and whose apparent want of passion gave the semblance of impartiality to his opinions; and Birch, who had been a colonel in the revolutionary army, and was now the roughest, boldest speaker in the house [31]. To these should be added Meres, Sacheverell, Vaughan, and several others, ready and zealous debaters on every question; but the master spirit, who guided the motions of the whole body, was the earl of Shaftesbury, and to him was occasionally joined the earl of Arlington, who, through his eagerness to humble a successful rival, forgot his obligations to his sovereign, and readily lent his aid to oppose those counsels, in the origination of which he no longer participated. Among them, it was determined to insist on the recal of the English troops serving in the French army; to advise an immediate union with the allies for the purpose of breaking the power of

[31] Sir Edward Seymour once reflected on Birch's former occupation, that of a common carrier. "It is true", he replied, "I was "once a carrier, and it is well for the gentleman that he was "not one too. For if he had, he would never have been any thing "else". Burnet, ii. 80. note.

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Louis XIV.; to impeach the earl of Danby; and to refuse all pecuniary aid as long as he should retain the office of lord treasurer. Some of these were popular measures; all were calculated to embarrass the court, and might, by leading to a change of administration, place Shaftesbury and Arlington once more at the head of the government [32].

CHAP. IV. 1675.

Danby, on the other hand, prepared to meet his opponents with a confident anticipation of victory. He had persuaded himself that their success in the former session was owing to the dexterity with which they employed the cry of "no popery", and marshalled in their favour the religious fears and jealousies of the people. He obtained permission of the king to oppose them with their own weapons, and for this purpose, to employ the whole power of government in putting down every species of sectarianism and dissent, and to rally the cavaliers and the clergy round the throne, by identifying the cause of the church with that of the court. A council was held by appointment at Lambeth; several of the bishops met the lord keeper, the lord treasurer, Lauderdale, and the two secretaries of state; the king's anxiety for the support and prosperity of the establishment was explained; the aid of the prelates and clergy was demanded; and a plan of

Of the minister.

1675. Jan. 25.

[32] See Burnet, ii. 80—83, and Temple, ii. 309. Temple was employed by the king to expostulate with Arlington.

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CHAP. IV. 1675.

combined operation was arranged. In a few days the first fruits of the consultation appeared. A proclamation was published, embodying six orders which had recently been made in council, that all natives who had taken orders in the church of Rome, should quit the realm in the space of six weeks, under the penalty of death [33]; that every subject of the three kingdoms, who presumed to attend at mass, either in the queen's chapel, or in any chapel belonging to the foreign ambassadors, should for that offence suffer a year's imprisonment and pay a fine of one hundred marks, of which a third part should be given as a reward to the informer; that all convictions of popish recusants, particularly among the more opulent classes, should be brought to a conclusion without delay, and certified into his majesty's exchequer; that any papist, or reputed papist, who should dare to enter the palaces of Whitehall, or of St. James's, or any other place where the court might chance to be, should, if a peer, be committed to the Tower, if under the rank of a peer, to one of the common gaols; and, lastly, that, since all licenses for separate places of worship had been recalled, the laws for the suppression of conventicles should be rigorously enforced [34].

[33] In this and all similar proclamations, Mr. John Huddleston was excepted on account of his services to the king after the battle of Worcester.

[34] Wilkins, Con. iv. 595. Kennet, 301. Burnet, 263.

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CHAP. IV. 1675.

By the popular party, this proclamation was ridiculed as a weak and unworthy artifice to blind the eyes of the people. Among the catholics and non-conformists, it created considerable alarm. A deputation of ministers waited on the duke of York, reminded him of his frequent declarations in favour of liberty of conscience, and solicited his protection against the intolerant policy of the cabinet. But James had already remonstrated in vain. He had represented to the king, that such severity to the dissenters was dangerous, because it might goad that numerous and powerful body to resistance; and with respect to catholics, it was ungrateful, on account of their former services to his father, and unnecessary, because, few as they were in number, and incapacitated by tests and disqualifications, they possessed not the power, even if they had the will, of injuring the establishment. But Charles, assured of his brother's submission, cared little for his objections: he even prepared for him a more bitter mortification. In virtue of the royal mandate, the bishop of London conducted the princess Mary to church, and conferred on her the right of confirmation in defiance of the authority of her father[35].

Remonstrance of the duke of York.

At the appointed time, the session was opened with a speech from the throne. The king assured the two houses, that his great object in

Opening of the session. April 13.

[35] James, i. 499. 500. Macpherson (i. 75, 81, 4.) postpones the confirmation of the princess to the following year.

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CHAP. IV. 1673.

calling them together was to come to a right understanding with his parliament, and to expose to the world the hollow and wicked designs of those who sought to drive him to a dissolution. But these men would find themselves disappointed. He was neither so weak nor so irresolute as to part with his friends in order to oblige his enemies. In the speech of the lord keeper, the chief novelty was an awkward attempt to justify the late intolerant proclamation. The government, he said, was placed in a most delicate and difficult situation, between the church on one side, and the dissenters and catholics on the other. If the king suspended the execution of the penal laws, he was told that he deserted the cause of the church: if he enforced them, he was reproached with the charge of persecution. But it was better to have some rule than none; otherwise universal toleration, and endless confusion, the necessary consequences of toleration, must ensue. The king had followed the rule laid down by the legislature; and, if any man felt aggrieved by it, he was still at liberty to appeal to the wisdom and equity of parliament, the best judge of the real interests of the nation [36].

Proceedings in the house of commons.

Of the plan devised at Lambeth, that part which regarded the suppression of popery was entrusted to the friends of the minister in the house of commons, where to such a proposal, no

[36] L. Journ. xi. 653, 4.

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opposition could be expected. Resolutions were accordingly voted: committees were appointed, and bills were introduced. Still nothing was done. That zeal for orthodoxy, which had formerly animated the members, seemed to be extinct, and not one of the bills proceeded any further than the second reading. The fact was, that the popular leaders ceased to urge the suppression of popery, when their opponents could claim the chief merit of the measure[37]. Their efforts were directed to the pursuit of their own objects. 1°. They obtained a renewal of the address to remove Lauderdale from office; but Charles was now furnished with a ready answer,—that the words laid to his charge, if spoken at all, were spoken before the last act of grace, and must therefore be covered by it; and that the act of the Scottish parliament for the levy of the army necessarily arose out of a preceding act in 1663, when Lauderdale was not the royal commissioner[38]. 2°. Lord

CHAP. IV. 1675.

April 17. April 21. April 23. April 26.

[37] Com. Journ. Ap. 16, 17, 21. May 27. Marvell, i. 217, 237, 240. "We were confident", says Coleman, "that the ministers "having turned their faces, the parliament would do so too, and "still be against them, and be as little for persecution then, as "they were for popery before". Com. Journ. ix. 527.

[38] Burnet disgraced himself on this occasion. Out of ill humour at the treatment which he had received from Lauderdale, he revealed to his enemies the purport of a confidential conversation with that nobleman, and repeated it, though apparently with reluctance, at the bar of the house of commons. "The truth is," he says of himself, "I had been above a year in perpetual agita- "tion, and was not calm or cool enough to reflect on my conduct "as I ought to have done". By this treachery he lost the favour

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CHAP. IV. 1675.

William Russell called the attention of the house to the conduct of the lord treasurer; and seven articles of impeachment were exhibited against him, charging him with improper use of the authority of his office, to deceive the king, enrich his own family, and squander the royal treasure. There appears to have been little ground for any of these charges: but Danby did not rely solely on his innocence. He was careful to purchase adherents in the house, not after the manner of his predecessors, by offering presents to the more eminent speakers, but by seeking out silent votes, which might be procured at a lower price, and therefore in greater number. The articles against him were debated separately, and each in its turn was rejected[39]. 3°. Besides Danby, the Dutch and Spanish ambassadors had also been lavish of money. Their object was to procure the revocation of the English regiments in the French army; and their efforts were zealously aided by the popular party. To the address for this purpose presented by the house, Charles replied, that the English corps was inconsiderable in point of number; and he would take care that it should not be recruited. More than this he could not

May 3.

May 4.

of the king, and also of the duke of York, who had previously protected him from the resentment of Lauderdale. Burnet, ii. 63—5. Marvell, i. 221.

[39] Com. Journ. Ap. 26, 27, 30. May 3. Parl. Hist. iv. 688—695. Burnet, ii. 69. Marvell, i. 225, 7, 426. If we may believe Coleman, 200,000*l.* was spent in bribes by the different parties during this session. Com. Journ. ix. 528.

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do: to recal it would be inconsistent with his honour. This answer provoked a most vehement debate in a committee of the whole house. On one side it was maintained that the English amounted to eight thousand men, that they formed the chief force in the army commanded by Turenne, and that to their gallantry were owing most of the advantages which had been gained by that general. On the other, it was contended that they did not exceed two thousand horse and foot; that, on the conclusion of the peace with the States, it was mutually understood that they were not to be recalled; and that a much greater number of British subjects was actually serving in the Dutch army under the prince of Orange. On a division, the tellers were charged with negligence or fraud; instantly the leaders who sat on the lowest benches sprung to the table, and the other members on each side crowded to their support. Lord Cavendish and Sir John Hanmer distinguished themselves by their violence; and epithets of insult, with threats of defiance, were reciprocally exchanged. The tumult had lasted half an hour, when the speaker, without asking permission, took possession of the chair; the mace, after some resistance, was again placed on the table; the members resumed their seats; and, on the motion of Sir Thomas Lee, a promise was given by each in his turn, that he would take no notice out of doors of what had happened within. The discussion of the question was again brought forward. On one occasion the

May 10.

May 11.

May 20.

June 2.

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CHAP. IV. 1675.

ministers obtained the majority by a single voice; on another they were defeated by the casting vote of the speaker. A new address was ordered; but there is no evidence that it was ever presented [40].

Non-resisting test in the house of lords.

The more important part of the ministerial project, the panacea for all the evils of the nation, was reserved for the house of lords, in which the court was assured of an overwhelming majority. This was introduced in the shape of a test to be taken by all members of parliament; by privy councillors, magistrates, and all persons holding office under the crown. The test itself was made up of the several oaths and declarations which, by successive acts of parliament after the restoration, had been imposed upon members of corporations, officers of the army, and ministers of the church. These acts, however, had been passed at a time when the nation had not recovered from that phrenzy of loyalty into which it had been thrown by the return of the king: now the minds of men had been allowed leisure to cool; an intention of establishing arbitrary power had, by report, been attributed to the king; and the doctrines of the year forty-one had begun to resume their former influence. That protection and allegiance are correlative, and that the law which secures the rights of the people sanctions

[40] Com. Journ. May 8, 10, 11, 20. June 2. Parl. Hist. iv. 699—709. Marvel, ii. 232. Cavendish and Newport, in consequence of their behaviour on this occasion, were forbidden the court. Ib. 526.

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resistance to the invasion of those rights, were principles openly inculcated and maintained: and it was to check their diffusion, and to remove their supporters from parliament and office, that the non-resisting test had been devised. The king interested himself warmly in its success. He attended daily, standing as a spectator at the fire-side; but his presence, though it might animate the champions of the court, did not dismay or silence their opponents [41]. The debates occupied seventeen days, often from an early hour till eight in the evening, sometimes till midnight. It is acknowledged, that on no former occasion had such a display of eloquence and ability been exhibited in that house; never had any question been discussed with so much obstinacy and address. The lords who chiefly distinguished themselves by their advocacy of the measure, were the lord treasurer, the lord keeper, and the bishops Morley and Ward; and to these were opposed the acknowledged leaders of the popular party, with two catholic peers, the marquess of Winchester and the lord Petre [42]. The former argued that

[41] "If not the sun, the fire-side was always in their faces." Marvell, i. 516.

[42] In Macpherson's extracts, we are told that when Shaftesbury applied to the catholic peers for their support, some replied that they dared not oppose the king. It might provoke him to execute the penal laws against them, perhaps to seek their exclusion from parliament, in which they knew from experience that Shaftesbury's party would concur. "He swore that he and his friends never "would, and wished that his tongue might cleave to the roof of "his mouth, if he ever spoke for so unjust a thing." Macph. i. 80.

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CHAP. IV. 1675.

the principle of the test had already been recognized in the acts for corporations, the militia, and the church; that the only object of the present bill was to render that principle more generally useful by extending its operation; that it would thus offer a sufficient security both to church and state; and at the same time a security so "moderate," that it could not be refused by any but those who cherished seditious and antimonarchical sentiments; and who, on that very account, ought not to be trusted with the office of making or of administering the laws. Their opponents replied, that the question was now altered; that while the test was confined to persons in inferior situations, there remained the high court of parliament to explain its meaning, and control its application: but that now it was intended to bind the parliament itself, and to make all ranks of men dependent on the pleasure of the sovereign. Such a test invested both the crown and mitre with a divine right, which could not be controlled by any human power, and amounted in effect to a "dissettlement of the whole birthright of "England."

Debate on the declaration.

When it came to be debated in its several parts, the opposition lords objected that the first clause, which pronounced it "unlawful, on any pretence "whatsoever, to take up arms against the king", was calculated to provoke doubts and questions, which a wise administration would seek to prevent. What, it might be asked, was the distinc-

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tion between passive obedience, and the unlawfulness of resistance in any circumstances whatsoever: where the difference between an absolute government and a limited monarchy, if there were no boundary to submission under either? Against the second, that it "is traitorous to take "up arms by the king's authority against his "person", (an allusion to the language of the parliament during the civil war,) they argued, that circumstances might occur, as in the case of Henry VI., in which such taking up of arms might tend to the benefit and safety of the sovereign; and the third, which extended the same doctrine to the employment of force against persons commissioned by the crown, they described as leading to the most oppressive and alarming results. It specified neither the object of the commission, nor the qualification of the commissioner; but made it treason to oppose with force the unlawful aggression not only of sheriffs and magistrates, but even of naval and military officers; for all these were armed with commissions from the king, and might pretend to act in "pursuance of such commission".

Debate on the oath.

The great struggle, however, remained. The oath was at first conceived in the following words: "I do swear that I will not endeavour "the alteration of the government either in "church or state". The practice of multiplying oaths was represented as impious, by holding out temptations to perjury, and as useless, because

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CHAP. IV. 1675.

oaths bind only men of honourable and virtuous minds, from whom sedition or rebellion is not to be apprehended. But to this oath in particular it was objected, that if it were made a necessary qualification for a seat in parliament, it would operate to the disherison both of the people and the peerage: of the people, by trenching on their right of entrusting to men of their own choice the power of imposing the public taxes; and of the peerage, by depriving the peers, who should refuse to take it, of the right to which they were born, of sitting in that house, and taking a part in the discussion of all subjects debated within its walls. The latter part of this objection was urged with so much vehemence, that the ministers deemed it prudent to yield. The lord treasurer proposed a resolution, which, at the suggestion of the duke of York, was changed into a standing order of the house, that "no oath should ever be "imposed, by bill or otherwise, the refusal of "which should deprive any peer of his place or "vote in parliament, or of liberty of debate "therein[43]".

[43] L. Journ. xii. 673. Macph. i. 81. In lieu of the oath proposed by the bill, and all other tests to be taken by members of parliament, the following was moved as an amendment by the marquess of Winchester: "I swear that I will never by threats, "injunctions, promises, advantages, or invitations, by or from "any person whatsoever, or through the hope or prospect of any "gift, place, office or benefit whatsoever, give my vote otherwise "than according to my opinion and conscience, as I shall be truly "and really persuaded upon the debate of any business in par-

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CHAP. IV. 1675.

When the house proceeded to consider the form of the proposed oath, the bishops were exposed to the profane jests and irreverent sarcasms of the duke of Buckingham, and called upon to answer several searching and vexatious inquiries by the dissenting peers. What, it was asked, was this episcopal government, to which the subject had now to swear allegiance? From whom did the prelates profess to derive their powers? They replied, that the priesthood, and the powers of the priesthood, came to them from Christ; the licence to exercise those powers from the civil magistrate. "But", exclaimed the lord Wharton, "excommunication is one of those powers; do you "derive from the sovereign the licence to excommunicate the sovereign?" This, it was answered, was to suppose an extreme case which had never arrived, and probably never would arrive. Others observed, that the oath provided only for "the government", or discipline of the church: why were its doctrines omitted? The government of the church of Rome was episcopal: no catholic would object to take the oath, even if at the same time he should meditate the subversion of one church, and the establishment of the other. This objection

Objections.

"liament." Such an oath would probably have been as unpalatable to the opponents as to the adherents of the minister. It was, however, seconded and supported: and the odium of rejecting it was left to the lord keeper, who contended, that the hope of reward was not incompatible with integrity of conduct; and was sometimes necessary to stimulate the indolent and the indifferent. Parl. Hist. iv. App. lxii.

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CHAP. IV. 1675.

alarmed the lord treasurer, and he offered to add the words "the protestant religion". "But what", asked the earl of Shaftesbury, "is the protestant "religion? Where are its boundaries? How "are they to be ascertained?" The bishop of Winchester replied, that the protestant religion was comprehended in the thirty-nine articles, the liturgy, the catechism, the canons, and the homilies. His opponent again inquired, whether every thing contained in these five books were part and parcel of the protestant religion? If so, then it must be contended that their authors were infallible, and had laid down nothing which ought to be rejected or reformed. If not, then the objection recurred; the precise limits of the protestant religion were unknown, and no man could conscientiously bind himself by oath never to alter a system, with the real extent of which he was unacquainted. To escape from the difficulty, the words, "now established by law in the church of "England", were added.

From the government of the church, the debate proceeded to the government in the state. Here the opponents of the measure renewed the struggle with equal obstinacy. Were the civil institutions of the country so perfect as to admit of no improvement? Could no combination of circumstances ever occur to make some alteration expedient? Let the house give its sanction to this part of the oath, and the chief privilege of the peerage was gone for ever. They might assemble and vote supplies; but to legislate on any subject

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connected with the government of the country would be a violation of the test. They must abandon their duty as a part of the legislature, or perform it under the guilt of perjury.

At length, after a variety of amendments and adjournments, divisions and protests, the declaration and oath were passed in the committee, in the following improved form. "I, A. B. do declare "that it is not lawful, on any pretence whatsoever, "to take up arms against the king; and I do "abhor the traitorous position of taking arms by "his authority against his person or against those "that are commissioned by him according to law, "in time of rebellion and war, and acting in pur-"suance of such commission. I, A. B. do swear "that I will not endeavour any alteration of the "protestant religion now established by law in "the church of England, nor will I endeavour "any alteration in the government, in church or "state, as it is by law established". There only remained to determine the penalty of a refusal to take the test, which, in defiance of all the efforts of the opposition, was fixed at a fine of 500*l.*, and incapacity to hold office or commission under the crown. But, as this incapacity did not affect the right of sitting in either house, the members of both were made subject to a repetition of the fine in every succeeding parliament [44].

The test, as amended in the committee.

[44] For this important debate, see the Lords' Journals, xii. 665, 9, 671, 3, 4, 7, 682. Parl. Hist. iv. 7, 14—721. App. xviii.—xlvii. Burnet, ii. 71—4. Marvell, i. 510—8. North 62. The test was

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CHAP. IV. 1675.

Dispute respecting appeals.

To retard the progress of the bill, had been the great object of the country party in the house of lords: to throw it out was to be the achievement of their associates in that of the commons. But even there much had lately happened to shake their confidence in their own power; the fate of the impeachment of Danby, and the rejection of a bill to prevent members from accepting places under government, had convinced them that the ministers could command the votes of many secret, but faithful, adherents. To relieve them from their apprehensions, an event occurred which, if it were not, as is probable, originally contrived, was at least most dexterously improved, to suspend the course of ordinary business in both houses, and to provoke a dissolution, or at least a prorogation of parliament. At all times it had been customary to appeal by writ of error from the decisions in the courts of law to the house of lords, as the supreme judicature in the nation, and during the reign of James I. similar proceedings had been introduced relative to judgments in chancery. It happened that at this period the defendants in three of these appeals to the justice of the lords possessed seats in the house of commons; and when notice to appear was served on sir John

originally devised by Clarendon; but his son, who on the death of the exile had succeeded to the title, constantly opposed it. His name is in all the protests entered in the journals; and the king was so displeased with his conduct, that he deprived him of his place of chamberlain to the queen. Marvell, i. 227.

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Fagg, one of the three, the house voted such a notice a breach of privilege. The lords insisted on their claim. Theirs was the only court to decide on writs of error or appeal; they sate only at the same time with the house of commons; and therefore, if they could not hear causes in which the members of that house were parties, a denial of justice must follow. The commons disputed the inference—it might be a suspension, but not a denial of justice—the appeal might be heard, when the parties were no longer entitled to the privilege of parliament. Nothing could be weaker than such reasoning; but they compensated for its weakness by the vigour of their conduct. They committed to the Tower, Shirley and Stoughton, two of the appellants; resolved that to prosecute in the house of lords any cause against a member of their house was a breach of privilege; declared that no appeal lay from the chancery to any other tribunal; and voted that four barristers, who, by order of the lords, had pleaded before them in one of the appeals, should be taken into custody. This last insult set the higher house in a flame; and the opponents of the test, whose real aim was to foment the quarrel, were the foremost to defend the rights of the peerage. The captive barristers were rescued by the usher of the black rod from the grasp of the serjeant at arms, who suddenly absconded, that he might escape the punishment with which the house of commons had determined to visit his pusillani-

CHAP. IV. 1675.

May 5.

May 12.

May 15.

May 28.

June 1.

June 2.

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CHAP. IV. 1675.

mity or negligence. Two days afterwards, the speaker, as he passed through Westminster hall, arrested Pemberton, one of the barristers, and took his prisoner with him to his chamber [45]; the new serjeant at arms brought the other three out of the court of king's bench, and all four were conveyed to the Tower. The house of lords was not slow to undertake their protection. A message was sent to the lieutenant to set them at liberty, and, when he demurred, four writs of habeas corpus were forwarded by the lord keeper, commanding him to produce his prisoners before the king in his high court of parliament. The lieutenant was perplexed. He consulted the house of commons, which forbad him to obey the writs; and, in this choice of evils, he preferred, as the less dangerous, to incur the displeasure of the lords [46].

June 4.

June 7.

June 8.

Prorogation. June 5.

During the altercation, Charles had addressed both houses in the tone, and with the dignity, of a master. They were, he told them, the dupes of men, enemies to him and to the church of Eng-

[45] Burnet (but to Burnet alone little credit is due,) tells us, that Seymour the speaker was "the most immoral and impious man "of the age, the unjustest and blackest man that lived in his time." Of his pride, an instance is related by lord Dorchester, that when his carriage broke down near Charing-cross, he took possession of the first gentleman's carriage that came by, and turned out the owner, telling him, it was more proper that he, than the speaker of the house of commons, should walk in the street. Burnet, ii. 70 note.

[46] L. Journ. 679, 80, 91, 4, 8, 700, 6, 10, 13, 16, 18, 720, 3, 5, 7. Com. Journ. May 5, 15, 28; June 1, 4, 8. Marvell, i. 517. Burnet, ii. 75. Parl. Hist. iv. 721. St. Trials, vi. 1121.

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land: the authors of the quarrel, sought not the preservation of privilege, but the dissolution of parliament: let the two houses confer coolly and dispassionately together: they would easily discover the means of reconciliation, or, if they did not, he would judge impartially between them, for he could not sit a silent spectator of a dispute which threatened to spread itself through the nation, for a mere question of privilege. But his advice was disregarded: the irritation of the parties was nourished by repeated acts of defiance; and on the fourth day, the king came to the house of lords, and put an end to the session [47]. CHAP. IV. 1675. June 9.

The short duration of the recess, and the assurance that the parliament should meet again in October, led to a suspicion that the government was reduced to the lowest state of pecuniary distress; and the leaders of the country party resolved to persist in their plan of opposing a supply, with the hope of provoking a dissolution of the administration, or of the parliament. The first would offer to their ambition the offices held by their opponents, the latter would be succeeded by a general election, in which they promised themselves a decided superiority. The houses accordingly met: the king solicited the aid of his people to pay off the anticipations on the revenue, amounting to 800,000*l.*, and to put the navy in a condition to maintain the dignity of the British Another session. Oct. 13.

[47] Com. Journals, June 5, 9. L. Journ. 725, 9.

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CHAP. IV. 1675.

flag [48]. In the committee on the royal speech, the ministers obtained at first the majority by the casting vote of the chairman. But on a second division they were defeated by a small majority, and the house refused to entertain the question of supply on account of anticipations. This was a severe disappointment; yet Danby did not despond: a long session would afford him the opportunity of appealing to the ambition and cupidity of the members; and it was possible that several might oppose the court now, with the sole view of obtaining a higher price for their future services. The house proceeded with the public business. It was voted that 400,000*l.* per annum should be taken from the customs, and applied to the maintenance of the navy; that a sum of 300,000*l.* should be raised and placed in the chamber of London, and be appropriated to the building of twenty ships of war; that papists should be disabled from sitting in either house of parliament; that a bill should be introduced to recal the English forces serving in the French army; and that a remedy should be devised to prevent bribery in elections. In the divisions which these questions produced, the balance inclined alternately in favour of the opposite parties; and the majorities were so trifling, that it was impossible to foresee

Oct. 19.

[48] The reader is aware that it was the custom to "anticipate," that is, to mortgage, certain branches of the revenue for the payment of the capital and interest of loans of money.

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which would ultimately obtain the superiority [49]. In the house of lords, Shirley hastened to revive the question of his appeal. Each party sought to cast on the other the odium of the measure; but the subsequent proceedings shew that the appellant acted under the advice, or by the instigation of Shaftesbury and his friends. In the debate, which was continued by adjournment for several days, that nobleman displayed extraordinary eloquence and warmth; and obtained, in defiance of the ministers and the prelates, the appointment of a day for the hearing of the appeal. It might be that, as he pretended, he sought to establish beyond dispute the claim of the peerage; but he had moreover a private and more interested motive. He was the author of a pamphlet recently published, under the title of "A Letter from a Person of Quality to a Friend "in the Country," purporting to detail the debate in the last session on the question of the non-resisting test. This tract the house voted "a "lying, scandalous, and seditious libel": it was ordered to be burnt by the hand of the common hangman, and a committee was appointed to discover the author, printer, and publisher. Under such circumstances, the renewal of the quarrel between the houses offered him the best shelter from prosecution. In the commons, attempts were made to revive the violent votes of the last

Renewal of the contest between the houses.

Nov. 4.

[49] Com. Journals, Oct. 19. Parl. Hist. iv. 751—7. Marvell, i. 252—68.

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CHAP. IV. 1675.

session against the claim of the peers; but they were constantly defeated by the court party, who on this subject commanded a large majority, and procured a vote for a conference, "to preserve a "good understanding between the two houses". In that meeting they suggested that, according to the royal advice, all subjects of national interest should take precedence of the question of judicature; but Shaftesbury opposed the expedient under different pretexts, and a resolution was carried to hear the appeal on the following morning. The resentment of the commons could no longer be restrained; in one house the obnoxious votes were revived [50]; in the other, lord Mohun moved an address for the dissolution of the parliament. Thus a new subject of contention was raised, which called forth the whole strength of the two parties. The popular leaders supported the motion, on the ground that frequent parliaments were required by the ancient constitution of the kingdom; that the existing house of commons, chosen in 1661, did not in fact represent the sense of the nation in 1675; and that the pretensions which it set forth, the violence which it displayed, the superiority which it assumed, had led to a state of things, in which the parliament, instead of proving a national benefit, had become a useless

Nov. 19.

Nov. 20.

[50] Marvell, i. 270, 1. Com. Journ. Nov. 18, 19. L. Journals, xiii. 29.

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incumbrance; but that with a new house, the real representatives of the people, no cause of dissension would exist; the restoration of harmony would enable parliament to provide for every interest, to grant supplies to the crown, to establish securities for the church, to extend indulgence to dissenters, and to secure to the catholics the possession of their property and hereditary honours. On the other hand, the minister and his adherents contended, that a dissolution was both unnecessary and dangerous. As former dissensions between the houses had been healed, so the present was not without its remedy. Whatever might be the faults of the house of commons, the civil and religious principles of its members had been proved. A new election might introduce new men, hostile both to the church and the throne; antimonarchical doctrines might regain the ascendancy; and the miseries of the year forty-one might be renewed. Hitherto the duke of York, however he might disapprove, had deemed it his duty to abstain from all open opposition to the measures of government; on this occasion he gave his powerful aid to lord Mohun; and his example drew after it the support of his adherents, and of the catholic peers. The minister was alarmed; his adversaries out-numbered his followers in the house; and it was only through the aid of proxies that he was able to obtain the small majority of two votes. The consequence was an immediate prorogation; Nov. 22.

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CHAP. IV. 1675.

not for a short space, after the usual manner, but for the unprecedented duration of fifteen months [51].

Account of Luzancy.

During this session an adventurer made his appearance on the public stage, the ~~prototype~~ counterpart of the celebrated Titus Oates. He was a foreigner, the son of Beauchateau, an actress in Paris, and had passed, with little credit for truth or integrity, through the several situations of usher in a school, servant to a bishop, inmate in a monastery, and companion to an itinerant missionary. A forgery, which he committed at Montdidier, in Picardy, compelled him to flee from the pursuit of justice; and he arrived in London, under a feigned name, without money and without friends. But his ingenuity did not desert him. He called himself Hyppolite du Chastelet de Luzancy; he professed an anxious desire to conform to the church of

July 1. England; and in the pulpit at the Savoy, he read his abjuration, and delivered a discourse, stating the grounds of his conversion. Instantly the French jesuit (so he was now styled) became an object of interest to the zealous and the charitable: contributions flowed to him from numerous quarters; and his only anxiety was to secure the means of support after the first excitement, which he had

Oct. 4. caused, should have died away. About the middle

[51] L. Journ. xiii. 33. According to the list preserved in Oldmixon, the contents were forty-one temporal peers and seven proxies; the non-contents, twenty-one temporal peers, thirteen bishops, and sixteen proxies. Oldmix. 594.

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of the session, he gave information to some of the popular leaders, that, about a month before, father St. Germain, who, for greater effect, was described as confessor to the duchess of York, had surprised him in his lodgings, and, holding a poniard to his breast, had compelled him with the threat of instant death, to sign a recantation and a promise to return to his native country. Neither the improbability of the tale, nor the time that had been suffered to elapse, seems to have awakened suspicion. Lord Hollis communicated the important intelligence to the king in the house of lords; lord Russel introduced it to the notice of the house of commons; and the parliament, the court, the city, the country, resounded with cries of astonishment at the insolence of the papists. The king published a proclamation for the arrest of St. Germain, wherever he might be found; the lords brought in a bill for the encouragement of monks and friars in foreign parts to leave their convents, and embrace the reformed faith; and the commons ordered the lord chief justice to issue his warrant for the apprehension of all catholic priests; recommended Luzancy to the protection and bounty of the king, and passed a bill for the exclusion of papists from the two houses of parliament, and from the court. The convert was examined before the privy council and a committee of the house. He persisted in his former tale; he added, that he had learned from some French merchants, that in a short time protestant blood would flow through

Nov. 8.

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CHAP. IV. 1675.

the streets of London, and from St. Germain that the king was at heart a catholic, that the declaration of indulgence had been framed for the purpose of introducing popery, and that there was an infinite number of priests and jesuits in London, who did great service to God. But the minds of men began to cool. His additional information, which was merely a repetition of the idle reports circulated in the coffee-houses, did not serve to raise his credit for veracity; and when he was told to produce his witnesses, the absence of some, and the utter worthlessness of the others, shook the faith of his supporters. About the same time, Du Maresque, a French clergyman of the reformed church, published a history of his adventures in France; and soon afterwards a pamphlet appeared, detailing the particulars of his life in the metropolis, and refuting his charge against St. Germain: and, though Du Maresque was severely censured by the bishop of London, and the distributor of the pamphlet threatened by the privy council, the prosecution of the inquiry was at first suspended, and, for obvious reasons, never afterwards resumed [52].

[52] Com. Journ. Nov. 8. L. Journ. xiii. 21. Parl. Hist. iv. 780. Marvell, i. 265, 6. Reresby, 29—31. Wood, Ath. Oxon. iv. par. ii. col. 350, 1. Compton, the new bishop of London, and the "great "patron of converts from popery," (Burnet, ii. 88.) ordained Luzancy about Christmas, and sent him to Oxford, where, on January 27th, he was admitted master of arts, at the recommendation of Ormond, the chancellor. While he remained in Oxford, a transaction of a swindling description brought his name before a

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CHAP. IV. 1667.

I shall conclude this chapter with a few notices respecting the transactions in the two kingdoms of Scotland and Ireland.—I. In Scotland the chief attention of the government was devoted to the difficult task of maintaining the episcopal authority, in opposition to the religious feelings of the people. That Charles disapproved of the severities, which had driven the western covenanters into rebellion, cannot be doubted, and it was observed that, in proportion as the influence of Clarendon declined, more lenient measures were recommended to the Scottish council. The punishment for the refusal of the declaration was restricted to the imprisonment of the offender; the regular troops, which had been so actively employed in the execution of the penal laws, were disbanded; archbishop Sharp received an order to attend to the spiritual concerns of his diocese; and Rothes was deprived of his high office of royal commissioner; though, to console his wounded feelings, he obtained in return the chancellorship for life. The earl of Tweedale succeeded him as head of the government; but Lauderdale, by his office of secretary of state, possessed superior influence with the sovereign. Both of these noblemen were presbyterians by

Transactions in Scotland.

1667. March 12.

Aug. 10.

Oct. 10.

court of justice: soon afterwards the nation was thrown into a ferment by the pretended discoveries of Titus Oates; and Luzancy, "by favour of the bishop of London," was admitted, "ad "pres. regis," vicar of Dover-court, in Essex, 18th Dec. 1678. Ibid.

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CHAP. IV. 1667.

principle; but they disregarded the nice distinctions of the theologians, and persuaded themselves that by mutual concession the two parties might be brought to coalesce. Their object, therefore, was to maintain the episcopal establishment, but at the same time to offer to its adversaries such terms as might induce them to desist from all active opposition. To the covenanters in the west it was proposed, that the government should abstain from prosecution for past offences, provided they would bind themselves to keep the peace, under the penalty of forfeiting one year's rent of their respective estates. But here a theological question arose. What, it was asked, did the council understand by keeping the peace? "To perform the duties of righteousness com-" manded by the law of God?" This was an obligation incumbent on all Christians. Not to violate the laws, which had been made in opposition to the covenant? Such an engagement was unlawful and anti-christian. That the latter was the real meaning, could not be doubted: if many submitted, a greater number refused to subscribe the bonds; and Tweedale, after a short trial, abandoned a measure, which seemed more likely to produce disturbance than tranquillity[53].

Attempt on the life of Sharp.

About this time happened an event which revived the angry passions of the two parties. Among the men, who had fought for the cove-

[53] Wodrow, 277, 8. Kirkton, 266, 272. Burnet, i. 414, 420. Lamont, 252.

nant at Rullion Green, was "a youth of much "zeal and piety", named James Mitchell. After the defeat he brooded over the sufferings of his brethren, till he had wound up his mind to the highest pitch of enthusiasm; and believed that he felt a call from Heaven to avenge the blood of the martyrs on the apostate and persecuting prelate, archbishop Sharp. It was a little after midday: the archbishop's carriage drove to the door, and Mitchell took his station with a loaded pistol in his hand. Sharp came from the house, followed by Honeyman, bishop of Orkney. The first had already seated himself, when the assassin discharged his pistol; but at the very moment Honeyman raised his arm to enter the carriage, and received the ball in his wrist. To the cry that a man was killed, a voice replied, "It is only "a bishop". Mitchell crossed the street, walked quietly away, changed his coat, and mixed again with the crowd. The council offered a tempting reward for the apprehension of the assassin; but six years elapsed befor he was discovered [54]. CHAP. IV. 1668. July 11.

This daring outrage did not, however, provoke Tweedale to recede from his purpose. He still Indulgence to ejected ministers. 1669.

[54] Wodrow, 292. Kirkton, 278. Burnet, i. 481. It was urged in defence of Mitchell, that he acted like Phineas, by divine impulse. Annand, dean of Edinburgh, replied, that could not be, otherwise he would have succeeded in the attempt. To evade this argument, it was remarked, that "Israel failed against the "city of Ai, because there was an Achan in the camp, and, alas! "there are many Achans in the camp of our Israel." Kirkton, 366, note.

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CHAP. IV. 1669.

June 7.

hoped to win by conciliation, where he despaired of prevailing by severity. He made to the ejected ministers an offer, called "the indulgence", that they might enter on their former churches, if these were vacant, or on any other at the nomination of the patron, enjoy the manse and glebe without stipulation, and in addition receive the annual stipend, provided they would accept collation from the bishop, and attend the presbyteries and synods. The moderation of the proposal alarmed the more zealous, or more fanatic of the covenanters; they pronounced it a snare for the consciences of the unwary: besides the consent of the patron, a call from the parish was necessary for the lawful exercise of the ministry; and, moreover, to accept any ecclesiastical office at the invitation of the civil power, was a backsliding towards Erastianism. In defiance of this reasoning, three-and-forty ministers accepted the offer of the government, but they soon discovered that, at the same time, they had forfeited the confidence of the people. They no longer preached with the fervid eloquence of men suffering persecution. Their exhortations to the practice of virtue and godliness appeared dull and lifeless, in comparison with the fierce invectives which they formerly poured forth against apostates and oppressors. It was inferred that the Spirit of God had abandoned them; that they were become as "dumb dogs that could not bark"; and their churches were deserted for the ministry of those

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whose fanatical language harmonized better with the excited feelings of their hearers [55].

CHAP. IV. 1669.

Tweedale hitherto had acted by the advice, and been supported by the influence of Lauderdale. At length that nobleman came himself to Scotland, and held a parliament with the title of royal commissioner. 1°. Its first act was to enable the king to appoint commissioners, authorised to treat with certain commissioners from England, respecting an union of the two kingdoms; a wise and beneficial measure, which Charles had much at heart, but which he was never able to accomplish. In England, it was opposed through distrust of the royal motives; in Scotland, through fear that it would be accompanied with the loss of national independence. 2°. It had been discovered, that the indulgence so lately granted was a violation of the laws for the establishment of episcopacy: and, to secure it from disturbance, and its authors from prosecution, the act of allegiance was converted into an act of unqualified supremacy, declaring the external government of the church an inherent right of the crown, and giving the force of law to all acts, orders, and constitutions respecting that government, or ecclesiastical meetings, or the matters to be proposed and determined in such meetings, provided those acts, orders, and constitutions, were recorded and published by the lords of the privy council. 3°. When the regular army

Proceedings in parliament. Oct. 19.

[55] Wodrow, 304. Kirkton, 288. Burnet, i. 488.

CHAP. IV. 1669.

was disbanded, it had been deemed prudent to raise the militia of horse and foot, voted in the parliament of 1663: and the men had been embodied and armed in all but the western counties, where it would have been madness to put weapons into the hands of enthusiasts, ready, at the first call of their leaders, to break into rebellion. It was now not only declared that the right to levy and command the army resided in the crown, but moreover enacted, that the forces so levied should march into any part of the king's dominions in pursuance of orders transmitted to them from the privy council. These two acts excited surprise both in Scotland and England. By the first every vestige of the independence of the church was swept away: by the second, the king was placed at the head of a standing army of twenty thousand men, bound to execute his orders, and to march into any part of his dominions. It might, indeed, be doubted whether these words could be so construed as to extend to England, where the Scottish parliament could claim no authority; but the leaders of the opposition in England chose to interpret them in that sense, and to make them on that account one ground of their address for the removal of Lauderdale from the councils and the presence of the sovereign [56].

[56] Wodrow, 309; App. No. 35. Kirkton, 301, 3. Lamont, 267. Burnet, i. 492, 4, 5.

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CHAP. III. 1669.

Though the recent act of supremacy shocked the religious feelings of every true son of the kirk, the government persisted in its former plan of conciliation. Burnet, who had opposed the indulgence, because it gave jurisdiction without collation from the bishop, was compelled by threats to resign the archiepiscopal see of Glasgow; Leighton, a prelate of more moderate principles, succeeded in his place; and several ministers were again admitted by "indulgence" into vacant churches. Still the obstinacy of the majority refused every proposal; the conventicles grew more numerous; and the regular curates were exposed to so many insults and injuries from the zeal of their opponents, that those who obeyed, were said to suffer no less than those who transgressed, the law. The council determined to combine severity with indulgence; and, while they observed the terms which had been granted to the more moderate, condemned to imprisonment the ministers who had preached at illegal assemblies, and exacted fines from the persons who had afforded the opportunity of committing the offence. But field-conventicles became a special object of alarm. From the stubborn and enthusiastic character of the men who frequented them, they were considered as nurseries of sedition and treason; and, in the next session of parliament, Lauderdale asked for some legal provision to abate so dangerous a practice. It was enacted that every unauthorised meeting for religious worship, even in a

Act against field-conventicles.

1670. July 28.

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CHAP. IV. 1670.

private house, should be deemed a field conventicle, if any of the hearers stood in the open air; and that every minister, who preached or prayed on any such occasion, during the three following years, should incur the forfeiture of his property, and the punishment of death. The covenanters exclaimed loudly against the cruelty of the enactment; though such complaint came with less grace from men, who had formerly demanded and enforced laws of still greater inhumanity against the professors of the catholic faith. The sequel, however, showed that the measure was not only inhuman, it was also impolitic. It did not put down the field-conventicles, but it changed them into conventicles of armed men[57].

Attempt at "comprehension". Aug. 9.

Before the terror, excited by this act, had subsided, the commissioner, with the aid of Leighton, who on the resignation of Burnet had been translated to Glasgow, made an attempt to restore tranquillity by "a comprehension" of the dissenting ministers. The sole condition required was, that they should attend presbyteries as they were established before the year 1638; and to make this the less objectionable, it was offered that the bishops should waive their claim of a negative voice, and that all who pleased, should be at liberty to protest against it. But many saw, or thought that they saw, even in this proposal, a conspiracy

[57] Kirkton, 301. 5. Wodrow, 329; App. p. 130. Burnet, i. 490. Salmon, Examin. 586.

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CHAP. IV. 1670.

to undermine the rights of the kirk. In a few years a new race of ministers would succeed, less aware of the arts of their enemies, and less habituated to contest the authority of the bishops: those prelates would gradually resume their claims, and the presidents would ultimately become the masters of their respective presbyteries. It was therefore replied, that such assemblies could bear no resemblance to those which existed before the year 1638. They had no power of the keys, no ordination, no jurisdiction. The bishop would be bishop still, though he should abstain from the exercise of his negative voice. To assent to such terms would be an apostacy from the principles of the kirk,—"an homologation of episco-"pacy"[58].

The second indulgence. 1672. April.

The religious dissensions continued, and the ministers and their hearers were occasionally imprisoned and fined for their violations of the law. In 1672, Lauderdale returned to Scotland with the title of duke, and accompanied by the countess of Dysart, whom he had recently married. She had long been reputed his mistress[59]; and has been described as a proud, rapacious, and

[58] Wodrow, 335, App. p. 132, 3. Kirkton, 296. Burnet, i. 476, 503, 513.

[59] In a suppressed passage in Burnet, that writer says: "I was "in great doubt whether it was fit for me to see Lauderdale's "mistress. Sir Robert Murray put an end to that. For he as-"sured me there was nothing in that commerce between them "besides a vast fondness." i. 518.

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CHAP. IV. 1672.

despotic woman, possessing unlimited dominion over the mind of her husband, and making him the obsequious minister of her passions. It was intended that a second indulgence should be granted in Scotland, to correspond with the celebrated declaration which had been issued in England. But Lauderdale previously held a short session of parliament, in which, to prevent the succession of ministers in the kirk, severe punishments were enacted against the ordainers and the ordained, and the duration of the act against field-conventicles was prolonged for three additional years. At last he determined to publish the instrument which for months had been expected, by many with hope, by more with distrust. It named about eighty ejected ministers; ordered them to repair to certain churches, and gave them liberty to exercise all the duties of their office within the limits of their respective parishes, but with a severe injunction to abstain from all religious exer-

1673.

cises in any other district. The consequence was a schism in the body, which was not easily closed. About one-fourth of the ministers named in the indulgence refused to obey, and were confined by order of council in particular places: the rest accepted the churches which had been allotted to them, having previously given their testimony against the Erastianism of the measure. Its framers had reason to be satisfied. The more opulent of the covenanters attended the service of

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the indulged ministers, and the number of conventicles was diminished [60]. CHAP. IV. 1673.

During this protracted struggle between the government and its religious opponents, scarcely a murmur of disapprobation had been heard in the Scottish parliament. It seemed as if Charles, at the restoration, had ascended a despotic throne, and the supreme council was of no other use than to record the edicts of the sovereign. The consequence was, that the officers of government extended and abused their authority; every department was filled with the relatives and dependents of the commissioner; and these made it their chief object to enrich themselves at the expense of the country. But that spirit of resistance, which had so obstinately and successfully warred with the advocates of the court in the parliament of England, aroused, at length, a similar spirit in that of Scotland; and a plan of opposition, unknown to Lauderdale, was carefully arranged, among the old cavaliers and his political enemies. When he opened the next session, he demanded with his usual confidence a plentiful grant of money to aid the king in his war against the States. The young duke of Hamilton rose; Opposition in parliament. 1673. Nov. 12.

[60] Wodrow, 351. Kirkton, 315, 326, 334. Burnet gives himself out as the deviser of this plan, i. 520. Lauderdale had 16,000*l.* allowed him for his outfit, as chief governor, with a salary of 50*l.* per day, while the parliament sate; and 10*l.* or 15*l.* per day during the rest of the year. Wodrow, App. p. 148.

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CHAP. IV. 1673

but, instead of expressing an obsequious assent, he called the attention of the house to the grievances of the nation: the coin had been adulterated under Hatton, the master of the mint, and Lauderdale's brother; by new regulations in the customs, the price of salt, of brandy, and of tobacco, had been raised; monopolies in all these articles were enjoyed by the friends of the minister, and the administration of justice was polluted by personal interests and animosities. Other speakers followed, and all were careful to echo the sentiments of Hamilton. The commissioner was amazed and alarmed. He endeavoured to intimidate; he adjourned the session for a week; he abolished the monopolies; but he could not dissolve the combination, or satisfy the demands of his adversaries. Hamilton and Tweedale repaired to London to lay their grievances before the monarch; Kincardine was despatched to oppose them; and Charles, while he laboured to appease the discontent of one party, religiously observed his promise not to desert the other. But all his efforts to conciliate were fruitless: another prorogation took place; and, before it expired, the parliament was dissolved [61].

May 12.

May 19.

[61] Burnet, ii. 19—33, 36. Wodrow, 364, 369. Kirkton, 339—342. If the reader compare the character of Lauderdale, drawn by Burnet in the dedication of his four conferences, published at this time, with the character of the same noblemen, drawn by him in the History of his Own Times, he will form no very favourable opinion of the veracity of that writer.

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In the enumeration of grievances, the principal, the persecution of the covenanters, had never been mentioned. Since the last act of supremacy, religious subjects were avoided, as forbidden ground on which it was dangerous to tread. Lauderdale, however, took it into consideration, and published an act of grace, pardoning every offence against any of the conventicle acts committed before the fourth of March, 1674. If by this concession he sought to conciliate the minds of the covenanters, he was disappointed; for they attributed his lenity to weakness, and looked on pardon for the past as an encouragement to new transgressions. From that day, the cause of these religionists made constant progress. In the north, indeed, they were but few; and in the west they might attend without impediment the service of the indulged ministers; but from the English borders to the river Tay the conventicles continued to multiply. They were held in the vacant churches, in private houses, in the open air; on every sabbath, crowds assembled, for the purpose of worship, around a lofty pole, fixed in a glen, on a monntain, or in the midst of a morass; and the minds of the people were occupied during the week with conversation respecting the gifts and doctrine of the preachers, the dangers which they had run, the persecutions which they had suffered, and the place and time appointed for the next conventicle. A spirit of the most ardent and obstinate fanaticism animated the great

Increase of conventicles.

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CHAP. IV. 1667.

mass of the population; and hostility to episcopacy was coupled with hostility to that government by which episcopacy was maintained[62].

Ireland.

II. The history of Ireland during the same period furnishes but little that can interest the general reader. The English act of parliament, prohibiting the importation of Irish cattle, had reduced the agricultural classes in Ireland to the

1667.

lowest distress; and Ormond, the lord-lieutenant, who was himself a principal sufferer, employed all his power and ingenuity to discover and open new sources of industry and new channels of commerce. A free trade was permitted between Ireland and all foreign countries, whether at peace or war with the king of Great Britain: the introduction of Scottish woollens was prohibited, as a measure of retaliation against the Scots, who, after the example of the English parliament, had forbidden the importation of Irish cattle into Scotland: and, to encourage the manufacture of woollen and linen cloths, five hundred Walloon families, from the neighbourhood of Canterbury, and an equal number from Flanders, were induced to settle in

Recal of Ormond.

Ireland[63]. But after the fall of Clarendon, it was

[62] Wodrow, 366. Kirkton, 343. "At these great meetings "many a soul was converted to Jesus Christ; but far more turned "from the bishops to profess themselves presbyterians. The "paroch churches of the curates came to be like pest-houses; "few went to any of them, and none to some: so the doors were "kept lockt." Ibid.

[63] Carte, ii. 342, 4.

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CHAP. IV. 1667.

not the intention of those who succeeded in the administration, to leave his friend Ormond at the head of the Irish government. His conduct was scrutinized and censured; charges of oppression of individuals, and mismanagement of the revenue, were brought against him; and the duke hastened to London to defend his character against the intrigues of his enemies. For almost a year his fate hung in suspense. The good-nature of Charles shrunk from the idea of unkindness towards an old and faithful servant; his love of ease could not resist the obstinate and repeated importunities of Buckingham and his colleagues. At length a promise was wrung from the reluctant monarch; and, after a protracted struggle, he announced to Ormond his removal, but in language the most flattering and affectionate which he could devise. Lord Robartes, a man of rigid notions, and repulsive manners, was appointed to the vacant office, which he only held long enough to earn the dislike of the Irish, and to disappoint the expectations of the cabinet. After seven months, he was recalled, to make place for lord Berkeley, of Stratton, who had distinguished himself by his hostility to Clarendon, and would not, it was supposed, be unwilling to discover grounds of complaint or impeachment against Ormond [64].

1668. April 24.

1669. Feb. 14.

Sep.

1670. May.

[64] Carte, ii. 375, 9, 413. Pepys, iv. 101, 191, 246. "Ormond "had none that took his part but his R. H., (the duke of York,) "who thought it very scandalous that one, who had always been

CHAP. III. 1670.

Eight years had now elapsed since the act of settlement, five since the act of explanation was passed; still these measures had been but imperfectly executed, on account of the conflicting nature of the claims, and the deficiency of the fund for reprisals. Not only the thousands whom the law debarred from all relief, but many of those whom it took under protection, loudly complained of injustice; and, after the arrival of the new chief governor, six peers, and forty-five gentlemen, ventured to subscribe a petition to the king, explaining their wrongs, and earnestly imploring redress. Charles compassionated the sufferings of men, most of whom had devoted themselves to his service during the time of his exile; and the ministers were ready to accede to any measure which would throw discredit on their predecessors in office. Though Ormond came forward to oppose the prayer of the petitioners; though Finch, the attorney general, pronounced against their claim; a committee was appointed to review the settlement of Ireland; and, on a representation that their powers were defective, they afterwards obtained authority to send for persons, papers, and records; and to require information from all officers under the crown. The commissioners were, prince Rupert, the duke of Buckingham, the earls of Lauderdale and Anglesey, the lords Hollis,

Claims of the natives.

Nov. 28.

1671. Feb. 1.

Commission of review.

Feb. 4. Aug 1.

"so loyal, should be prosecuted and run down by men, who had "been most of them downright rebels, or little better." James, i. 435.

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and Ashley, secretary Trevor, and Sir Thomas Chicheley. They proceeded slowly: more than a year was employed in the examination of papers and witnesses, in comparing the arguments of the petitioners with the contrary claims of the soldiers, adventurers, and purchasers of lands in Connaught; and in hearing the complaints brought against the duke of Ormond, and his defence of his conduct. The duration of the commission, and its renewal with more extensive powers, raised the hopes of the natives; but their opponents sought the powerful aid of the English house of commons, which had lately compelled the king to rescind the declaration of indulgence, and had passed several resolutions expressive of their hatred to popery and its professors. The cause was warmly taken up by the popular leaders; and an address was presented to the king, demanding the revocation of the commission, the maintenance of the act of settlement in Ireland, the banishment of the catholic priests from that kingdom, the expulsion of all catholic inhabitants out of Irish corporations, and the punishment of colonel Richard Talbot, who had acted as agent for the natives before the commission. Charles briefly replied, that on all these particulars it would be his care that no man should have reason to complain; and, in the course of a few days, the commission was dissolved, and the prospect of relief for ever closed to the great body of the petitioners. The king, indeed, still cherished the hope of mitigating their sufferings. He

CHAP. IV. 1673.

1673. Jan. 17.

March 25.

Commission dissolved. March 26.

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CHAP. IV. 1673.

appointed a committee of the council to reconsider the subject; but no other benefit resulted from their deliberation, than the trifling addition of 2000*l.* per annum to a fund which had already been provided for the purpose of furnishing pensions to the twenty nominees in the act of explanation [65].

[65] Carte, ii. 427, 9, 438. C. Journ. Mar. 25, 26.

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NOTE [A], Page 93.

EXTRACT OF A LETTER FROM CHARLES II. TO THE LORD CHANCELLOR.

" NOW I am on this matter, I thinke it necessary to " give you a little good councell in it, least you may " thinke that by making a further stirr in the busi- " nesse, you may diverte me from my resolution, which " all the world shall never do; and I wish I may be " unhappy in this world and in the world to come, if " I faile in the least degree of what I have resolved, " which is of making my lady Castlemaine of my wive's " bedchamber, and whosoever I finde use any endea- " vour to hinder this resolution of myne (excepte it be " only to myselfe), I will be his enemy to the last mo- " ment of my life. You know how true a friend I have " been to you. If you will oblige me eternally, make " this businesse as easy to me as you can, of what " opinion soever you are of; for I am resolved to go " through with this matter, let what will come of it, " which again I solemnly swear before Almighty God. " Therefore, if you desire to have the countenance of " my friendship, medle no more with this businesse, " except it be to beat down all false and scandalous " reports, and to facilitate what I am sure my honour " is so much concerned in. And whosoever I find to " be my lady Castlemaine's enemy in this matter, I do " promise upon my word to be his enemy as long as

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" I live. You may shew this letter to my lord lieute-
" nant (Ormond), and if you have both a minde to
" oblige me, carry yourselves like friends to me in this
" matter." Lansdowne MSS. 1206. 121.

NOTE [B], Page 218.

THE SECRET TREATY OF 1670.

[The original of this important treaty is in the possession of Lord Clifford, to whose kindness I am indebted for the permission of presenting it for the first time to the eyes of the public.]

CHARLES R.

Charles par la grace de dieu Roy de la Grande-Bretagne, France et Irelande, defenseur de la foye, à tous ceux qui ces présentes lettres verront, Salut. Ayant leu et meurement consideré les pouvoirs du Sieur Colbert, ambassadeur de nostre très-cher et très-amé frère et cousin le Roy Très-chrestien dattés du 31 octobre 1669 par lesquels notre dit Frère luy donne autorité de conférer avec les commissaires, que nous pourrions nommer, traitter, conclurre, et signer des articles d'une plus étroitte amitié, liaison et confédération entre nous, et déclare que nulle autre alliance ne luy peut estre plus agréable ny plus avantageuse à ses sujets, nous qui sommes dans les mesmes dispositions, et qui n'avons point de désir plus ardent que de nous lier d'une amitié parfaite et indissoluble avec nostre d^{t} Frère, y estant conviés et par la proximité du sang, l'affection et estime que nous avons pour sa personne, les avantages qui en reviendront aux peuples que dieu a sousmis à nostre obéissance, et sur tout

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l'appuy et assistance, que nous nous pouvons promettre de l'amitié et du zele d'un si puissant allié dans le dessein que nous avons (avec la grace de Dieu) de nous reconcilier avec l'église Romaine, donner par la le repos à nostre conscience, et procurer le bien de la religion catholique, Sçavoir faissons q'ayans une entiére confiance en la fidélité, suffisance, zele, et prudence de nostre très-féal et bien-amé le myLord Arlington, conseiller en nostre conseil privé et nostre premier secrétaire d'estat; nostre très-féal et bien-amé le myLord Arundel de Warder; nostre très-féal et bien-amé le sieur chevalier Clifford, conseillier en nostre conseil privé, Thrésorier de nostre maison, et commissaire de nos finances; nostre féal et bien amé le sieur chevalier Bellings, secrétaire des commandmens de la Reyne nostre très-chere espouse, nous avons les dits myLords Arlington et Arundel, les sieurs chevaliers Clifford et Bellings commis, ordonné et député, commettons, ordonnons, et députons par ces présentes signées de nostre main, et leur avons donné et donnons plein pouvoir, autorité, commission, et mandement spécial, de conférer avec ledit sieur Colbert, ambassadeur de nostre très-cher et très-amé Frère et Cousin le Roy Trèschrestien, des moyens de parvenir à l'establissement d'une plus estroitte amitié, liaison et confédération entre nous, et traitter et convenir ensemble, et sur iceux conclurre, et signer tels articles et conventions que nos dits commissaires aviseront bon estre tant sur le fait du commerce, que sur toutes autres sortes d'affaires et d'intérests, et mesme de ligues offensives et deffensives, et generallement faire, négotier, promettre, accorder et signer tout ce qu'ils estimeront nécessaire pour les effets cy dessus dits: Promettant, foye et parolle de Roy, sous l'obligation et hypothéque de tous nos biens présens et à venir de

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tenir ferme et stable; et d'accomplir, sans jamais y contrevenir n'y permettre qu'il y soit contrevenu, tout ce qui par nos dits commissaires aura esté stipulé promis et accordé en vertu du présent pouvoir, et d'en faire expédier nos lettres de ratification en bonne forme, et les fournir dans le temps qu'il nous y auront obligéz en tesmoing de quoy nous avons fait mettre aux dites présentes le séel de nostre secret. Donné à Whitehall le quinziesme de décembre, L'an mil six cens soixante et neuf, et de nostre regne le vingt et uniesme.

Par commandement de sa Ma^te^

ARLINGTON.

Au nom de Dieu tout puissant soit notoire à tous et un chacun, que comme ainsi soit que le Sérénissime et très-puissant Prince Charles Second par la grace de dieu Roy de la Grande-Bretagne, et le Sérénissime et très-puissant Prince Louis quatorziesme par la mesme grace de dieu Roy Trèschrestien auroient tousjours donné tous leurs soins et toute leur application à procurer à leurs sujets une félicité parfaite, et que leur propre expérience leur auroit assés fait connoistre que ce bonheur commun ne se peut rencontrer que dans une très estroitte union, alliance, et confédération entre leurs personnes et les pays et estats qui leur sont sousmis, à quoy s'estant trouvés esgallement portés, tant par la sincere amitié et affection que la proximité du sang, celle de leurs royaumes, et beaucoup d'autres convenances ont estably entre eux, et qu'ils ont conservé chèrement au plus fort des desmêlés que les intérests d'autruy leur ont fait avoir ensemble; que par le désir qu'ils ont de pourvoir à la seureté de leurs dits pays et estats, comme aussy au bien et à la commodité de leurs sujets dont le commerce

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doit recevoir dans la suite du temps de notables avantages de cette bonne correspondence et liaison d'intérests; les dits Seigneurs Roys pour exécuter ce saint et louable désir, et pour tousjours fortifier, confirmer, et entretenir la bonne amitié et intelligence qui est à present entre eux, ont commis et député chacun de sa part, sçavoir ledit Seigneur Roy de la Grande-Bretagne le myLord Arlington conseillier au conseil privé de sa majesté, et son prémier secrétaire d'estat, le myLord Arundel de Warder, le sieur chevalier Clifford, conseillier au conseil privé de sa majesté, Thrésorier de sa maison, et commissaire de ses finances, le s^r^ chevalier Bellings, secrétaire des commandemens de la Reyne de la Grande-Bretagne, et ledit seigneur Roy Trèschretien le sieur Charles Colbert, seig^r^ de Croissy, conseillier ord^re^ de sa majesté en son conseil d'estat, et son ambassadeur ordinaire vers sa majesté de la Grande-Bretagne, suffisament autorisés ainsy qu'il apparoistra par la teneur des dits pouvoirs et commissions à eux respectivement donnés par lesdits Seigneurs Roys et insérés de mot à mot à la fin de ce présent traitté en vertu des quels pouvoirs ils ont accordé au noms des susdits Seigneurs Roys les articles qui ensuivent.

1. Il est convenu arresté et conclu qu'il y aura à toute perpétuité bonne secure et ferme paix, union, vraye confraternité, confédération, amitié, alliance, et bonne correspondence entre le dit seigneur Roy de la Grande-Bretagne, ses hoirs, et successeurs d'une part, et le dit Seigneur Roy Trèschrétien de l'autre, et entre tous et chacun de leurs Royaumes, estats et territoires, comme aussy entre leurs sujets et vassaux, qu'ils ont ou possédent à présent, ou pourront avoir, tenir, et posséder cy après, tant par mer et autres eaux que par terre: et pour tesmoigner que cette paix doit estre inviolable

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sans que rien au monde la puisse à jamais troubler il s'ensuit des articles d'une confiance si grande, et d'ailleurs si avantageuse aux dits Seigneurs Roys, qu'à peine trouvera-t-on que dans aucun siécle on en ait arresté et conclu de plus importans.

2. Le Seigneur Roy de la Grande-Bretagne estant convaincu de la vérité de la religion catholique, et résolu d'en faire sa déclaration, et de se réconcilier avec l'eglise Romaine aussy tost que le bien des affaires de son royaume luy pourra permettre, a tout sujet d'espérer et de se permettre de l'affection et de la fidélité de ses sujets qu'aucun d'eux, mesme de ceux sur qui dieu n'aura pas encore asses abondamment respandu ses graces pour les disposer par cet example si auguste à se convertir, ne manqueront jamais à l'obeissance inviolable que tous les peuples doivent à leurs souverains mesme de Religion contraire; néantmoins comme il se trouve quelques fois des esprits brouillons et inquiets qui s'efforcent de troubler la tranquillité publique principalment lorsqu'ils peuvent couvrir leurs mauvais desseins du prétexte plausible de religion ; sa majesté de la Grande-Bretagne qui n'a rien plus à coeur (après le repos de sa conscience) que d'affermir celuy que la douceur de son gouvernment a procuré à ses sujets, a crû que le meilleur moien d'empécher qu'il ne fust alteré, seroit d'estre asseuré en cas de besoin de l'assistance de sa majesté Très-chrestienne, laquelle voulant en cette occasion donner au Seigneur Roy de la Grande Bretagne des preuves indubitables de la sincérité de son amitié, et contribuer au bon succès d'un dessein si glorieux, si util à sa majesté de la Grande-Bretagne, mesme à toute la religion Catholique, a promis et promet de donner pour cet effet au dit Seigneur Roy de la Grande-Bretagne la somme de deux millions de livres tournoises dont

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la moitié sera payée trois mois après l'eschange des ratifications du présent traitté en espece à l'ordre dudit Seigneur Roy de la Grande-Bretagne à Calais, Dieppe, ou bien au Havre de Grace, ou remis par lettres de change à Londres au risques perils et frais dudit Seigneur Roy Trèschrestien et l'autre moitié de la mesme maniére dans trois mois après : et en outre ledit Seigneur Roy Trèschrestien s'oblige d'assister de troupes sa majesté de la Grande-Bretagne, jusq'au nombre de six mille hommes de pied s'il est besoin, et mesme de les lever et entretenir a ses propres frais et despens, tant que ledit Seigneur Roy de la Grande-Bretagne jugera en avoir besoin pour l'exécution de son dessein : et lesdites troupes seront transportées par les vaisseaux du Roy de la Grande-Bretagne en tels lieux et ports qu'il jugera le plus à propos pour le bien de son service, et du jour de leur embarquement seront payées, ainsy qu'il est dit, par sa majesté Trèschrestienne, et obéiront aux ordres du dit Seigneur Roy de la Grande-Bretagne, et le temps de ladite déclaration de Catolicité est entièrment remis au choix dudit Seigneur Roy de la Grande-Bretagne.

3. Item a esté convenu entre le Roy Trèschrestien et sa Majesté de la Grande-Bretagne que ledit Seigneur Roy Trèschrestien ne rompra ny n'enfreindra jamais la paix qu'il a fait avec l'Espagne, et ne contreviendra en chose quelconque à ce qu'il a promis par le traitté d'Aix la Chapelle, et par conséquent il sera permis au Roy de la Grande Bretagne de maintenir ledit traitté conformément aux conditions de la triple alliance, et des engagemens qui en dépendent.

4. Il est aussy convenu et accordé que s'il écheoit cy-après au Roy Trèschrestien de nouveaux tiltres et droits sur la Monarchie d'Espagne, ledit Seigneur Roy de la Grande-Bretagne assistera sa Majesté Trèschres-

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tienne de toutes ses forces tant par mer que par terre, pour luy faciliter l'acquisition desdits droits, le tout suivant les conditions particuliéres dont lesdits Seigneurs Roys se reservent de convenir tant pour la jonction de leurs forces après que le cas de l'escheance desdits tiltres et droits sera arrivé que pour les avantages que ledit Seigneur Roy pourra raisonnablement désirer ; et lesdits Seigneurs Roys s'obligent reciproquément des à présent de ne faire aucun traicté de part n'y d'autre pour raisons desdits nouveaux droits et tiltres avec aucun Prince ou Potentat quel que ce puisse estre que de concert et du consentment de l'un et de l'autre.

5. Lesdits Seigneurs Roys ayant chacun en son particulier beaucoup plus de sujets qu'ils n'en auroient besoin pour justifier dans le monde la résolution qu'ils ont pris de mortifier l'orgueil des estats généraux des provinces unies des pays bas, et d'abbatre la puissance d'une nation qui s'est si souvent noircie d'une extrême ingratitude envers ses propres fondateurs et créateurs de cette république, et laquelle mesme a l'audace de se vouloir aujourd'huy eriger en souverains arbitres et juges de tous les autres potentats, il est convenu, arresté et conclu, que leurs Majestés déclareront et feront la guerre conjointement avec toutes leurs forces de terre et de mer aux dits estats généraux des provinces unies des pays bas, et qu'aucun desdit Seigneurs Roys ne pourra faire de traicté de paix, de trèves, ou de suspension d'armes avec eux, sans l'avis et le consentment de l'autre, comme aussi que tout commerce entre les sujets desdits Seigneurs Roys et ceux desdits estats sera défendu, et que les navires et biens de ceux qui trafiqueront nonobstant cette défence pourront estre saisis par les sujets de l'autre Seigneur Roy, et seront réputés de juste prise ; et tous traictés précedens faits entre lesdits estats et

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aucun desdit Seigneurs Roys ou leurs prédécesseurs démeureront nuls, excepté celuy de la triple alliance fait pour la manutention du traicté d'Aix la Chapelle, et si apres la déclaration de la guerre on prend prisonniers les sujets d'aucun desdit Seigneurs Roys qui seront enrollés au service desdits estats, ou s'y trouveront actuellement, ils seront exécutés à mort par la justice dudit Seigneur Roy dont les sujets les auront pris.

6. Et pour faire et conduire cette guerre aussy heureusement que lesdits Seigneurs Roys espérent de la justice de la cause commune, il est aussy convenu que sa majeste Trèschrestienne se chargera de toute la despense qu'il conviendra faire pour mettre sur pied, entretenir, et faire agir les armées nécessaires pour attaquer puissamment par terre les places et pays desdits estats, ledit Seigneur Roy de la Grande-Bretagne s'obligeant seulement de faire passer dans l'armée dudit Seigneur Roy Trèschrestien, et d'y entretenir tousjours à ses despens un corps de six mil hommes de pied, dont le commandant sera général, et obéira à sa Majesté Trèschrestienne, et à celuy qui commandera en chef l'armée, ou ledit corps de troupes servira comme auxiliare, lequel sera composé de six régimens de dix companies chacun, et de cent hommes chaque companie : et lesdites troupes seront transportées et débarquées en tels ports ou havres et en tel temps qu'il sera concerté cy-apres entre lesdits Seigneurs Roys ; ensorte néantmoins qu'elles puissent arriver aux costes de Picardie, ou tel autre lieu qui sera concerté, au plus tard un mois après que les flottes se seront jointes aux environs de Portsmouth, ainsy qu'il sera dit cy-après.

7. Et pour ce qui regard la guerre de mer ledit Seigneur Roy de la Grande Bretagne se chargera de

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ce fardeau, et armera au moins cinquante gros vaisseaux, et dix bruslots, auxquels le dit Seigneur Roy Trèschrestien s'obligera de joindre une escadre de trente bons vaisseaux Francois, dont le moindre portera quarante piéces de canon, et un nombre de bruslots suffisant jusques à dix, mesme s'il est necessaire à proportion de se qu'il y en devra avoir en la flotte; laquelle escadre de vaisseaux auxiliares Francois continuera à servir durant le temps de ladite guerre aux frais et despens de sa Majesté Trèschrestienne, et en cas de perte d'hommes et de vaisseaux, ils seront remplacés le plustot qu'il se pourra par sa Majesté Trèschrestienne et ladite escadre sera commandée par un vice-admiral ou lieutenant-général Francois qui obéira aux ordres de son altesse Royale Monseigneur le duc de Yorke en vertu des pouvoirs que lesdits Seigneurs Roys donneront audit Seigneur duc, chacun pour les vaisseaux qui luy appartiennent; et pourra ledit Seigneur duc attaquer et combattre les vaisseaux Hollandois, et faire tout ce qu'il jugera le plus à propos pour le bien de la cause commune, jouyra aussy de l'honneur du pavillon, des saluts, et des toutes les autres autorités, prérogatives, et prééminences dont les admiraux ont coutume de jouir, et d'autre part aussy le dit vice-admiral ou lieutenant-général Francois aura pour sa personne la préséance dans les conseils, et pour son vaisseau et pavillon de vice-admiral celle de la marche sur le vice-admiral et vaisseau de ce nom Anglois. Au surplus les capitains, commandans, officiers, matelots et soldats de l'une et de l'autre nation se comporteront entre eux amicablement, suivant le concert qui sera fait cy-après, pour empêcher qu'il n'y arrive aucun incident qui puisse altérer la bonne union; et afin que le dit Seigneur Roy de la Grande-Bretagne puisse plus facilement supporter les frais

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de cette guerre, sa Majesté Trèschrestienne s'oblige a payer tous les ans audit Roy tant que ladite guerre durerá en la maniére susdite la somme de trois millions de livres Tournoises dont le prémier payement qui sera de sept cens cinquante mille livres tournoises, se fera trois mois avant la déclaration de la guerre, le second de pareille somme dans le temps de ladite déclaration, et le reste montant à quinze cens mille livres tournoises six mois après ladite déclaration: et en années suivantes le prémier payement qui sera de sept cens cinquante mille livres tournoises se fera au prémier de Febrier, le second de pareille somme au prémier de May, et le troisiéme montant à quinze cens mille livres tournoises au quinsiéme d'octobre, lesquelles sommes seront payées en espece à l'ordre du Roy de la Grande-Bretagne, à Calais, Dieppe, ou Havre de Grace, ou bien remises par lettres de change à Londres aux risques, perils, et frais dudit Seigneur Roy Trèschrestien. Il a esté aussy convenu et arresté que ledit Seigneur Roy de la Grande-Bretagne ne sera pas obligé de déclarer cette guerre, jusqu'à ce que l'escadre auxiliare desdits trente vaisseaux de guerre Francois et dix bruslots seront joints avec la flotte Angloise aux environs de Portsmouth: et de toutes les conquestes qui se feront sur les estats généraux sa majesté de la Grande-Bretagne se contentera des places qui s'ensuivent; sçavoir l'isle de Walkeren, l'escluse avec l'isle de Cassants, et la maniére d'ataquer et de continuer la guerre sera adjustée par un réglement qui sera cy-apres concerté, et d'autant que la dissolution du gouvernment des estats généraux pourroit apporter quelque préjudice au Prince d'Orange neveu du Roy de la Grande Bretagne et mesme qu'il se trouve des places, villes et gouvernmens qui luy appartient dans le partage qu'on se propose de

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faire du pays, il a esté arresté et conclu que lesdits Seigneurs Roys feront leur possible à ce que le dit Prince trouve ses avantages dans la continuation et fin de cette guerre : ainsy qu'il sera cy-après stipulé dans des articles à part.

8. Item a esté arresté qu'avant la déclaration de cette guerre lesdits Seigneurs Roys feront tous leurs efforts conjointment ou en particulier, selon que l'occasion le pourra requérir pour persuader aux Roys de Suede et de Dennemark ou à l'un d'eux d'entrer en cette guerre contre les estats généraux, au moins de les obliger de se tenir neutres, et l'on taschera de mesme d'attirer dans ce party les électeurs de Cologne et de Branderbourg, la maison de Brunswick, le duc de Neubourg et l'esvesque de Munster. Les dits Seigneurs Roys feront aussy leur possible pour persuader mesme à l'empereur et la couronne d'Espagne de ne s'opposer pas à la conqueste dudit pays.

9. Il est pareillement convenu et accordé qu'apres que le dit Seigneur Roy de la Grande-Bretagne aura fait la déclaration spécifiée au second article de ce traicté, qu'on espére moyennant la grace de dieu devoir estre suivi d'un heureux succès, il sera entiérement au pouvoir et au choix dudit Seigneur Roy Trèschrestien de déterminer le temps auquel lesdits Seigneur Roys devront faire la guerre avec leurs forces unies contre les estats généraux : sa majesté de la Grande-Bretagne promettant d'en faire aussy sa déclaration conjointment dans le temps que sa majesté Trèschrestienne jugera estre le plus propre pour cet effect, ledit Seigneur Roy de la Grande-Bretagne estant asseuré que sa majesté Trèschrestienne nommant ledit temps aura esgard aux intérests des deux couronnes, qui après la conclusion de ce traicté seront communs à tous deux et inséparables.

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10. Si dans aucun traicté précédent fait par l'un ou l'autre desdits Seigneurs Roys avec quelque Prince ou estat que ce soit, il se trouve des clauses contraires à celles qui sont spécifiées dans cette ligue, lesdites clauses seront nulles, et celles qui sont contenues dans ce présent traicté demeureront dans leur force et vigeur.

Et pour d'autant plus unir les esprits et intérests des sujets desdits Seigneurs Roys, il a esté convenu que le traicté de commerce qui se fait à présent, s'achevra au plûtot qu'il se pourra.

Lesquels points et articles cy dessus énoncés ensemble, et tout le contenu en chacun d'iceux ont esté traictés accordés, passés, et stipulés entre le myLord Arlington, le myLord Arundel de Warder, le sieur chevalier Clifford, et le sieur chevalier Bellings commissaires de sa majesté de la Grande-Bretagne, et le sieur Colbert, ambassadeur de sa majesté Trèschrestienne, aux noms desdit Seigneurs Roys, et en vertu de leurs pouvoirs dont les copies sont insérées au bas du présent traicté. Ils ont promis et promettent sous l'obligation de tous et chacuns des biens et estats présens et à venir desdits Seigneurs Roys qu'ils seront par leurs majestés inviolablement observés et accomplis, et de s'en bailler et délivrer réciproquement dans un mois du jour et datte des présentes, et plustost, si faire se peut, les lettres de ratification desdits Seigneurs Roys en la meilleure forme que faire se pourra: et d'autant qu'il est absolument nécessaire pour le bon succès de ce qui est stipulé par le présent traicté, de le tenir fort secret, jusq'à ce qu'il soit temps de le mettre à exécution, lesdits sieurs commissaires et ambassadeur sont demeurés d'accord, qu'il suffira pour la validité du dit traicté que les ratifications desdits Seigneurs Roys soient signées de leurs propres mains,

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et cachetées du seau de leur secret, que lesdits Seigneurs Roys déclareront dans les dites lettres de ratification avoir pour cet effect la mesme force que si leur grand seau y estoit apposé, ce que mesme chacun d'eux s'obligera de faire aussy tost qu'il le pourra, et qu'il en sera requis. En foy de quoy les dites sieurs commissaires et ambassadeur ont signé le présent traicté et à iceluy fait apposér le cachet de leurs armes. A Douvres ce vingt et deuxiesme jour du mois de May l'an de grace mil six cens soixante et dix.

⊙ Arlington. COLBERT. ⊙

⊙ T. Arundell.

⊙ T. Clifford.

⊙ R. Bellings.

There follow three additional secret articles signed at Dover the same day. By the first, if Charles could not spare six thousand men, Louis was to be content with four:—by the second, if the duke of York were to retire from the command of the fleet, the English admiral was to enjoy all the command and powers which the duke ought to possess:—and, by the third it was agreed, that the stipulation in favour of the prince of Orange should not prevent the other powers from making war conjointly at the time stipulated by the 9th article.

In another paper is a declaration that, if in the treaty or the power of the negociators, il se trouve quelque chose dans les tiltres et qualités des Roys nos maistres, qui soit contraire à la pluralité des traittés qui ont ete faits entre l'Angleterre et la

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France, tant sous le regne du feu Roy d'Angleterre Charles prémier, que sous celuy du Roy regnant à présent, nous le réformerons avant l'eschange des ratiffications du dit traitté, et sans retardment d'icelle.

NOTE [C], Page 219.

On the death of Henrietta, duchess of Orleans, Louis wrote the following Letter of condolence to Charles:—

Versailles, le 30 juin 1670.

MONSIEUR MON FRERE,—La tendre amitié que j'avois pour ma sœur vous étoit assez connue pour n'avoir pas de peine à comprendre l'état ou m'a réduit sa mort. Dans cet accablement de douleur je puis dire que la part que je prends à la vôtre, pour la perte d'une personne qui vous étoit si chére aussi bien qu'à moi, est encore un surcroît a l'excès de mon affliction: le seul soulagement dont je suis capable, est la confiance qui me reste, que cet accident ne changera rien à nos affections, et que vous me conserverez les vôtres aussi entières, que je vous conserverai les miennes. Je me remets du surplus au sieur Colbert, mon ambassadeur.

NOTE [D], Page 280.

The letters patent by which Louis XIV. grants the domain of Aubigni to Mademoiselle de Querouaille, and after her to one of the illegitimate sons of Charles II., to be named by that prince.

Louis, par la grace de dieu, roi de France et de Navarre, à tous présens et à venir, salut. La terre

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d'Aubigni-sur-Niére, dans notre province de Berri, ayant été donnée dés l'année 1422, par le roi Charles VII, l'un de nos prédécesseurs à Jean Stuart, comme une marque des grands et considerables services qu'il avoit rendus dans la guerre à ce roi et sa couronne, et cette donation ayant été accompagnée de condition que ladite terre d'Aubigni passeroit de mâle en mâle à tous les descendans dudit Jean Stuart, avec reversion à notre couronne, lorsque la branche masculine qui seroit venue de lui seroit éteinte, ce cas porté par lesdites lettres de donation est arrivé l'année derniére, par la mort de notre cousin le duc de Richemont, dernier de la ligne masculine dudit Jean Stuart. Mais parceque cette terre ayant été, durant tant d'années, dans une maison qui avoit l'honneur d'appartenir de si près a notre très-cher et très aimé frère le roi de la Grande-Bretagne, ledit Roi nous auroit fait témoigner, qu'il seroit bien aise qu'à cette consideration nous voulussions bien la faire passer à une personne qu'il affectionneroit, et rentrèr après elle dans une maison qui fût encore unie par le sang à la sienne; qu'à ce sujet il nous auroit fait requérir que nous voulussions bien accorder nos lettres de donation de ladite terre d'Aubigni-sur-Niére a la dame.... de Kerouel, duchesse de Portsmouth, pour passer après sa mort à tel des enfans naturels de notre frere le roi de la Grande-Bretagne qu'il voudra nommer, sous les mêmes clauses et conditions que la même terre fut premiérement donnée par le Roi Charles VII en 1422 au susdit Jean Stuart, et que ladite terre étant passée a tel fils naturel dudit Roi de la Grande-Bretagne qu'il aura voulu nommer, elle demeure audit fils naturel, et à ses descendans de mâle en mâle, avec droit de reversion à notre couronne, au défaut d'enfans mâles et par l'extinction de la ligne masculine, qui seroit sortie de lui. Comme nous embrassons avec plaisir

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les occasions qui se presentent de donner à notre dit frère le roi de la Grande-Bretagne, des marques de notre amitié et de l'extrême considération que nous avons pour ce qu'il desire, et que nous avons aussi bien agréable qu'une terre qui étoit demeurée durant tant d'années dans une maison si illustre, retourne en quelque sort à son origine en passant un jour entre les mains d'un fils naturel de notre dit frère, nous avons bien voulu disposer de ladite terre d'Aubigni en la manière que nous avons été requis par notre susdit frère de roi de la Grande-Bretagne.

A ces causes, savoir faisons que de notre grace spéciale, pleine puissance et autorité royale, nous avons à ladite dame....de Kerouel, duchesse de Portsmouth, et après elle à celui des fils naturels de notredit frère le roi de la Grande-Bretagne qu'il nommera, et aux descendans mâles en ligne directe dudit fils naturel, donné, cédé, transporté, et délaissé, donnons, cédons, transportons et délaissons par ces présentes signées de notre main, le fonds et propriété de la terre d'Aubigni, avec tous et un chacun ses droits, appartenances et dépendances, pour en jouir et user par ladite duchesse, et après son décès celui des fils naturels dudit roi de la Grande-Bretagne qu'il nommera et les descendans mâles en droite ligne dudit fils naturel, comme de leur propre chose et loyal acquêt, tout ainsi que nous ferions, sans aucune chose en retenér et réserver à nous et à nos successeurs rois, que les foi et hommage, ressort et souveraineté, à condition toutefois que ladite terre d'Aubigni avec ses appartenances et dependances, retournera à notre domaine au defaut des males descendans en droite ligne du fils naturel qui aura été nommé par le susdit roi de la Grande-Bretagne.

Si donnons en mandement à nos amés et féaux les

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gens tenant notre cour de Parlement et chambre de nos comptes à Paris, que ces présentes lettres de don ils les aient à enregistrer, et du contenu en icelles faire jouir et user pleinement, paisiblement et à toujours ladite dame.... de Kerouel, duchesse de Portsmouth, et après elle le fils naturel que ledit roi de la Grande-Bretagne nommera, et les descendans mâles en droite ligne dudit fils naturel, cessant et faisant cesser tous troubles et empêchemens à ce contraires.

Car tel est notre plaisir: et afin que ce soit chose ferme et stable à toujours, nous avons fait mettre notre sceau à cesdites présentes, sauf en autre chose notre droit et l'autrui en toutes. Donné à Saint-Germain-en-Laye, au mois de Décembre l'an de grace 1673, et de notre règne le trent-unième.

[This note and the preceding are extracts from Les Œuvres de Louis XIV.]

END OF VOL. XII.

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